United States Court of Appeals

for the Second Circuit

APPELLANT'S SUPPLEMENTAL APPENDIX

76-6091

to be argued by
MADELINE E. DE FINA

- -

RICHARD J. DE FINA,
PLAINTIFF-APPELLANT,

v.

DEPARTMENT OF TRANSPORTATION, et al.,
DEFENDANTS-APPELLEES.

- -

RICHARD J. DE FINA,
PLAINTIFF-APPELLANT,

v.

VIRGINIA M. ARMSTRONG, et al.,
DEFENDANTS-APPELLEES.

- -

RICHARD J. DE FINA,
PLAINTIFF-APPELLANT,

v.

CLARENCE M. KELLY, et al.,
DEFENDANTS-APPELLEES.

- -

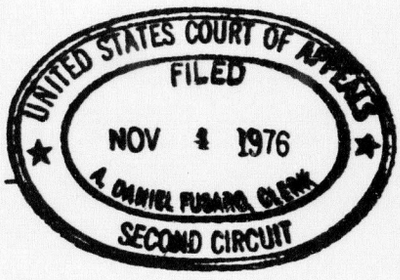
RICHARD J. DE FINA,
PLAINTIFF-APPELLANT,

v.

RITCHEY WILLIAMS, et al.,
DEFENDANTS-APPELLEES.

- -

B



PLAINTIFF-APPELLANT'S
SUPPLEMENTAL APPENDIX

MADELINE E. DE FINA, ESQ.,
Attorney for Plaintiff-Appellant,
220-31 Union Turnpike,
Flushing, New York, 11364.
(212) GR 9-1555

TABLE OF CONTENTS

TABLE OF CONTENTS (CONTINUED P. 2)

A1

G-121520-

Name (Last, First, Middle) ✓ Mr. Miss Mrs.
DeFina Richard Joseph

Birth date (Month, day, year)
1/12/36

Date of written test or application (Month, day, year)

Title of announcement or position applied for
Technical Assistant (Electronics Technician)

Legal or voting residence (State)
New York

Place of written test (City and State)

Appl. No.
409

Date pref. proof rec'd

Date of V. A. letter

Hist. (preference)

Option	Grade	Rating preference	Date of registration
3, 6 GS	4	~~7 7 6~~ 86.0 CS	NOV 03

Eligibility Terminates 11/29/78

- [ ] 5-point (test)
- [x] 5-point (comp.)
- [ ] 10-point perm. dis.
- [ ] Another 10-pt. pref.
- [ ] Disallowed

RECORD CARD

CSC Form 5001-B

A 2

Certificate Record:

Amended Dec 7/10/73

Cert. No.	Action
	1/30
C73-0107	Radio Operator CS 393-4, Justice BXDD N.Y. N.S.
C73-1863	FAA Jamaica wc 5/30
C74-0361	" ENV. Prot Agency 1/14
~~C74-[illegible]~~	~~[illegible]~~
C74-2352	Counter Driver NS ' [illegible]
C74-4024	FAA Jam [illegible] 6 2 bulls only [illegible] 2/3/75 [illegible]
C74-6756	Army Eng 11/13

COUNTER [illegible] APR

2/6/854
Justice

att 2 (1)

A3(D

All Emc Ic (1)

STANDARD FORM 39 (Revised)
U.S. CIVIL SERVICE COMMISSION
JULY 1971—FPM 332

CERTIFICATION FORM

CERTIFICATE NO. 13-0107

DATE ISSUED JAN 31 1973

I. REQUEST

DEPARTMENT OR AGENCY	BUREAU OR FIELD ESTABLISHMENT	REQUEST NO.
DEPARTMENT OF JUSTICE	BUREAU OF NARCOTICS AND DANGEROUS DRUGS	55
		DATE: December 22, 1972

U.S. CIVIL SERVICE COMMISSION
NEW YORK AREA OFFICE
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10007

This request should be submitted to the office of the Commission having jurisdiction over the work location named unless special prior agreement has been reached with the Commission.

(212) 264-0437

VACANCIES, POSITION TITLE, SERIES CODE, GRADE (SALARY, IF UNGRADED) AND DUTY LOCATION

3 RADIO OPERATORS GS-393-4

TYPE OF APPOINTMENT
- [x] Career or Career-Conditional
- [ ] Temporary not to Exceed

TO WHAT EXTENT WILL PERSONS APPOINTED BE REQUIRED TO TRAVEL?
- [ ] NOT AT ALL
- [ ] OCCASIONALLY
- [ ] FREQUENTLY

- [ ] D—FOR FILLING DEPARTMENTAL POSITIONS ONLY
- [ ] F—FOR FILLING FIELD POSITIONS ONLY

REQUEST RELATES SOLELY TO REQUIREMENTS OF THE MERIT PROMOTION PROGRAM
- [ ]

AVAILABLE FOR WORK:
- [ ] IMMEDIATELY
- [ ] BY_____

REMARKS: *(Give a description of duties where no standard specifications are published, and indicate any special qualifications required)*

Please certify to our office when in reach

2 Applic

APPROVED
MAR 28 1973 EMG

DISPLACED EMPLOYEES

ADDRESS WHERE CERTIFICATE IS TO BE SENT:

DEPARTMENT OF JUSTICE
BUREAU OF NARCOTICS AND DANGEROUS DRUGS
90 CHURCH STREET, ROOM 623
NEW YORK, NEW YORK 10007

FOR FURTHER INFORMATION CONTACT:

APPROVED BY: PERSONNEL
JOSEPH T. LA ROCCO, OFFICER

II. CERTIFICATION

Please Review Instructions on Back of Form

TO REQUESTING OFFICE:

- [x] The attached list of eligibles is provided in response to the above request. PLEASE RETURN WITHIN 21 DAYS OF DATE ISSUED OR BY FEB 21 1973
- [ ] Authority is granted to recruit through the open competitive examination for appointment to the position(s) indicated above. Applications of persons recruited should be FORWARDED WITHIN 30 DAYS OF DATE ISSUED OR BY_____
- [ ] Authority is granted to fill the position(s) identified above under CS Reg. 316.402(A).

NEW YORK IA RECEIVED MAR 27 1973

III. REPORT

Please Review Instructions on Back of Form

TO THE ISSUING OFFICE: Report on certificate is submitted and original applications (and attachments) of eligibles not selected for appointment returned.

- [ ] WE DESIRE FURTHER CERTIFICATION FOR _____ VACANCIES.

SIGNATURE OF APPOINTING OFFICER	TITLE	DATE
JOSEPH T. LA ROCCO	PERSONNEL OFFICER	03-26-73

A3(2)

(Information on this certificate is for United States Government use only.)

UNITED STATES CIVIL SERVICE COMMISSION

CERTIFICATE OF ELIGIBLES

(Continuation Sheet)

REGISTER AND CERTIFICATE

C 73 - 0107

ACTION | RATING | NAME (ADDRESS AND PHONE, IF ANY, ARE SHOWN IF APPLICATION IS NOT ATTACHED)

amended 6/7/73
NS 5/14/73

REGISTER: TECHNICAL ASSISTANT 409

Interviewed 2/21/73

94.0 CP
Rating (Incl. Pref.) Pref. Symbol (TP, CP, etc.)

DeFina Richard Joseph
Name (Last, First, Middle)

220-31 Union Tpk.
Street address

Flushing, N.Y. 11364
City, State, and ZIP Code

Telephone
Area Code Number
212 [illegible]

Leg. Res.

Date received NOV 03 1972

Option 3, 6 Grade

Name (Last, first, middle) Leg. Res. Appl. No.

FR 99.0TP
Rating (Incl. Pref.) Pref. Symbol (TP, CP, etc.)
Telephone No.
[redacted]

FR 95.0TP
Rating (Incl. Pref.) Pref. Symbol (TP, CP, etc.)
[redacted]

FR 93.0
Rating (Incl. Pref.) Pref. Symbol (TP, CP, etc.)
Telephone
[redacted]

D 89.0TP
Rating (Incl. Pref.) Pref. Symbol (TP, CP, etc.)
Telephone
Area Code Number
[redacted]

FR 89.0TP
Rating (Incl. Pref.) Pref. Symbol (TP, CP, etc.)
Telephone
Area Code Number
[redacted]

D 89.0TP
Rating (Incl. Pref.) Pref. Symbol (TP, CP, etc.)
Telephone
Area Code Number
[redacted]

FR 89.0TP
Rating (Incl. Pref.) Pref. Symbol (TP, CP, etc.)
Telephone
Area Code Number
[redacted]

Birth date (mo., day, yr.)

BEST COPY AVAILABLE

A 3 (3)

(... of this certificate is for United States Government use only.)

UNITED STATES CIVIL SERVICE COMMISSION
CERTIFICATE OF ELIGIBLES
(Continuation Sheet)

REGISTER AND CERTIFICATE NO.
6-73 - 0107

Action	Rating
A	89. TP Rating (Incl. Pref.) Pref. Symbol (TP, CP etc.) Telephone
NS	89.00 TP Rating (Incl. Pref.) Pref. Symbol (TP, CP etc.) Telephone Area Code Number
A	89.0 T.P. Rating (Incl. Pref.) Pref. Symbol (TP, CP etc.) Telephone Area Code Number
D	89.0 T.P. Rating (Incl. Pref.) Pref. Symbol (TP, CP etc.) Telephone
FR* FR	~~89 TP~~ 89.0 TP Rating (Incl. Pref.) Pref. Symbol (TP, CP etc.) Telephone Area Code Number
FR**	89.0 TP Rating (Incl. Pref.) Pref. Symbol (TP, CP etc.) Telephone Area Code Number
D***	87 [illegible] Rating (Incl. Pref.) Pref. Symbol (TP, CP etc.) Telephone No.
FR	75.0 TP Rating (Incl. Pref.) Pref. Symbol (TP, CP etc.) Telephone
****	[illegible] TP Rating Pref.

Selected

← Lower grade
[illegible] [illegible]

1

←

2

#

missing
y retired
4/20/7

1

BEST COPY AVAILABLE

STANDARD FORM 39 (Revised)
U.S. CIVIL SERVICE COMMISSION
JULY 1971—FPM 332

CERTIFICATION FORM

CERTIFICATE NO. 274-2523

DATE ISSUED MAR 27 1974

I. REQUEST

DEPARTMENT OR AGENCY	BUREAU OR FIELD ESTABLISHMENT	REQUEST NO.
Department of Justice	Dru, Enforcement Administration	DATE 3/22/74

U. S. CIVIL SERVICE COMMISSION
NEW YORK CITY AREA OFFICE
Federal Building - 26 Federal Plaza
New York, N. Y. 10007

This request should be submitted to the office of the Commission having jurisdiction over the work location named unless special prior agreement has been reached with the Commission.

(212) 264-0837

VACANCIES, POSITION TITLE, SERIES CODE, GRADE (SALARY, IF UNGRADED) AND DUTY LOCATION

2 Radio Operator, GS-389-5 New York

TYPE OF APPOINTMENT
- [X] Career or Career-Conditional
- [ ] Temporary not to Exceed ____

TO WHAT EXTENT WILL PERSONS APPOINTED BE REQUIRED TO TRAVEL?
- [ ] NOT AT ALL
- [ ] OCCASIONALLY
- [ ] FREQUENTLY

- [ ] D—FOR FILLING DEPARTMENTAL POSITIONS ONLY
- [ ] F—FOR FILLING FIELD POSITIONS ONLY

REQUEST RELATES SOLELY TO REQUIREMENTS OF THE MERIT PROMOTION PROGRAM [ ]

AVAILABLE FOR WORK:
- [ ] IMMEDIATELY
- [ ] BY ____

REMARKS: *(Give a description of duties where no standard specifications are published, and indicate any special qualifications required)*

274-1072
NEW YORK IAB
RECEIVED
MAR 29 1974

1 appt
APPROVED
EM.C MAY 18 1974

NEW YORK IAB
RECEIVED
APR 29 1974

ADDRESS WHERE CERTIFICATE IS TO BE SENT:

Department of Justice
Dru Enforcement Administration
555 West 57th Street, Room 1955
New York, New York 10019

FOR FURTHER INFORMATION CONTACT:
(Name) (Tel.)

APPROVED BY:
(Name) (Title)

II. CERTIFICATION

Please Review Instructions on Back of Form

TO REQUESTING OFFICE:

- [X] The attached list of eligibles is provided in response to the above request. PLEASE RETURN WITHIN 21 DAYS OF DATE ISSUED OR BY APR 17 1974
- [X] Authority is granted to recruit through the open competitive examination for appointment to the position(s) indicated above. Applications of persons recruited should be FORWARDED WITHIN 30 DAYS OF DATE ISSUED OR BY MAY 26 1974
- [ ] Authority is granted to fill the position(s) identified above under CS Reg. 316.402(A).

III. REPORT

Please Review Instructions on Back of Form

TO THE ISSUING OFFICE: Report on certificate is submitted and original applications (and attachments) of eligibles not selected for appointment returned.

- [ ] WE DESIRE FURTHER CERTIFICATION FOR ____ VACANCIES.

SIGNATURE OF APPOINTING OFFICER	TITLE	DATE
JOSEPH T. LA ROCCO	PERSONNEL OFFICER	4/23/74

A4(2)

(The information on this certificate is for United States Government use only.)

UNITED STATES CIVIL SERVICE COMMISSION
CERTIFICATE OF ELIGIBLES
(Continuation Sheet)

CERTIFICATE NO. C 4-2526

PAGE NO.

ACTION	RATING	VET PREF	NAME (ADDRESS AND PHONE IF ANY ARE SHOWN IF APPLICATION IS NOT ATTACHED)
			REGISTER USED: TECHNICAL ASSISTANT 409
NS	3 .0	CP	DePina, Richard J. 220-31 Union Tpk. Flushing N. Y. 11364
NS	10 .0	XP	
D	101.	TP	
A *	5 .0	TP	

SEE ATTACHED RECRUITING AUTHORITY R 4-2526

*Offer of employment to be made upon satisfactory completion of a full field investigation. Other offers of employment should be given great consideration in the event we are unable to hire.

CSC FORM 1844-A
MARCH 1967

oth 2 (2) A5(1).

PSC FPMC 11 (39)

STANDARD FORM 39 (Revised)
U.S. CIVIL SERVICE COMMISSION
JULY 1971—FPM 332

CERTIFICATION FORM

CERTIFICATE NO. C-73-1863

DATE ISSUED JUN 1 1973

I. REQUEST

DEPARTMENT OR AGENCY	BUREAU OR FIELD ESTABLISHMENT	REQUEST NO. / DATE
Federal Aviation Admin.		73-6JS, 73-7 JS / 5/23/73, 5/29

New York Area Office
U. S. Civil Service Commission
26 Federal Plaza
New York, New York 10030

(212) 264-0437

This request should be submitted to the office of the Commission having jurisdiction over the work location named unless special prior agreement has been reached with the Commission.

VACANCIES, POSITION TITLE, SERIES CODE, GRADE (SALARY, IF UNGRADED) AND DUTY LOCATION

4 Vacancy Electronic Technician, GS-4, $6882 p.a. 856 Jamaica, N. Y.

TYPE OF APPOINTMENT
- [X] Career or Career-Conditional
- [ ] Temporary not to Exceed

TO WHAT EXTENT WILL PERSONS APPOINTED BE REQUIRED TO TRAVEL?
- [X] NOT AT ALL
- [ ] OCCASIONALLY
- [ ] FREQUENTLY

- [ ] D—FOR FILLING DEPARTMENTAL POSITIONS ONLY
- [X] F—FOR FILLING FIELD POSITIONS ONLY

REQUEST RELATES SOLELY TO REQUIREMENTS OF THE MERIT PROMOTION PROGRAM
- [ ]

AVAILABLE FOR WORK:
- [X] IMMEDIATELY
- [ ] BY _____

REMARKS: *(Give a description of duties where no standard specifications are published, and indicate any special qualifications required)*

Selective Certification : Request attached application of be rated for ET, GS-4 for our 150 Training Program, and if eligible, that he be certified to this office as soon as possible. Justification attached.

Thank you.

NO DISPLACED EMPLOYEES

APPROVED
JUN 20 1973

ADDRESS WHERE CERTIFICATE IS TO BE SENT:

Federal Aviation Administration
Eastern Region, Federal Building
JFK Int'l Arpt.
Jamaica, N. Y., 11430

FOR FURTHER INFORMATION CONTACT:

II. CERTIFICATION

Please Review Instructions on Back of Form

TO REQUESTING OFFICE:

- [X] The attached list of eligibles is provided in response to the above request. JUN 22 1973
  PLEASE RETURN WITHIN 21 DAYS OF DATE ISSUED OR BY _____
- [ ] Authority is granted to recruit through the open competitive examination for appointment to the position(s) indicated above.
  Applications of persons recruited should be FORWARDED WITHIN 30 DAYS OF DATE ISSUED OR BY _____
- [ ] Authority is granted to fill the position(s) identified above under CS Reg. 316.402(A).

NEW YORK IA RECEIVED JUN 12 1973

III. REPORT

Please Review Instructions on Back of Form

TO THE ISSUING OFFICE: Report on certificates submitted and original applications (and attachments) of eligibles not selected for appointment returned.

Certificate returned unused. Duty location of position changed to Baltimore, Md.

- [ ] WE DESIRE FURTHER CERTIFICATION FOR _____ VACANCIES

A5(2)

UNITED STATES CIVIL SERVICE COMMISSION

(For United States Government use only.)

CERTIFICATE OF ELIGIBLES

(Continuation Sheet)

REGISTER AND CERTIFICATE NO. 73-1863

ACTION	RATING	REGISTER:
U	101 CP Rating (Incl. Pref.) / Pref. Symbol (TP, CP, etc.) Telephone	
	94.0 CP Rating (Incl. Pref.) / Pref. Symbol (TP, CP, etc.) Telephone Area Code Number 212 429 1555	Defina Richard Joseph Name (Last) (First) (Middle) ☐ Mr. ☐ Miss ☐ Mrs. 220-31 Union Tpk. Street address Flushing, N.Y. 11364 Flushing, N.Y. 11364 Loc. Rec. G Station 905 DO 1972 2 Date registered NOV 03 1972 Options 3, 6 / Grade 4
	101.0 Tp Rating (Incl. Pref.) / Pref. Symbol (TP, CP, etc.) Telephone	
	101.0 TP Rating (Incl. Pref.) / Pref. Symbol (TP, CP, etc.) Telephone	
	96.0 Rating (Incl. Pref.) / Pref. Symbol (TP, CP, etc.) Telephone	
	96.0 Rating (Incl. Pref.) / Pref. Symbol (TP, CP, etc.) Telephone	
	95.0TP Rating (Incl. Pref.) / Pref. Symbol (TP, CP, etc.) Telephone Area Code Number	
	AMENDED 95.0 TP Rating (Incl. Pref.) / Pref. Symbol (TP, CP, etc.)	☒ ☐

att 2. (3)

A6(1)
4424

STANDARD FORM 39 (Revised)
U.S. CIVIL SERVICE COMMISSION
JULY 1971—FPM 332

CERTIFICATION FORM

CERTIFICATE NO. 74-421

DATE ISSUED JUN 24 1974

I. REQUEST

DEPARTMENT OR AGENCY	BUREAU OR FIELD ESTABLISHMENT	REQUEST NO. / DATE
Dept. of Transportation	Federal Aviation Administration	74-80 / 6-19-74

New York Area Office
U. S. Civil Service Commission
26 Federal Plaza
New York, NY 10007

This request should be submitted to the office of the Commission having jurisdiction over the work location named unless special prior agreement has been reached with the Commission.

VACANCIES, POSITION TITLE, SERIES CODE, GRADE (SALARY, IF UNGRADED) AND DUTY LOCATION

1 Electronics Technician, GS-856-4 Jamaica, NY

TYPE OF APPOINTMENT
- [x] Career or Career-Conditional
- [ ] Temporary not to Exceed ____

TO WHAT EXTENT WILL PERSONS APPOINTED BE REQUIRED TO TRAVEL?
- [ ] NOT AT ALL
- [x] OCCASIONALLY
- [ ] FREQUENTLY

- [ ] D—FOR FILLING DEPARTMENTAL POSITIONS ONLY
- [ ] F—FOR FILLING FIELD POSITIONS ONLY

REQUEST RELATES SOLELY TO REQUIREMENTS OF THE MERIT PROMOTION PROGRAM
- [ ]

AVAILABLE FOR WORK:
- [x] IMMEDIATELY
- [ ] BY ____

APPROVED
SEP 10 1974 EEO

REMARKS: *(Give a description of duties where no standard specifications are published, and indicate any special qualifications required)*

Please certify for the position as described above and as enclosed position description dictates on the basis of 4 yrs. experience as radar maintenance technician, solid math background and 90 credits (college level) in Electrical Engineering which indicates a good potential to successfully complete FAA training towards full performanence level. Technical Asst. announcement #409, ID#G148235, New York Area Office, May 8, 1974 GS-4-101-0TP.

1 applicant

APPROVED DISPLACED EMPLOYEES

ADDRESS TO WHICH CERTIFICATE IS SENT
Regional Equal Employment Opportunity Specialist
Dept. of Transportation, Federal Aviation Administra
Eastern Region, Manpower Division
Federal Building, J.F. Kennedy International Airport
Jamaica, New York 11430

XX:00

II. CERTIFICATION

Please Review Instructions on Back of Form

TO REQUESTING OFFICE:

- [ ] The attached list of eligibles is provided in response to the above request. PLEASE RETURN WITHIN 21 DAYS OF DATE ISSUED OR BY JUL 15 1974
- [ ] Authority is granted to recruit through the open competitive examination for appointment to the position(s) indicated above. Applications of persons recruited should be FORWARDED WITHIN 30 DAYS OF DATE ISSUED OR BY ____
- [ ] Authority is granted to fill the position(s) identified above under CS Reg. 316.402(A).

NEW YORK IAB RECEIVED JUL 24 1974 CSC

III. REPORT

Please Review Instructions on Back of Form

TO THE ISSUING OFFICE: Report on certificate is submitted and original applications (and attachments) of eligibles not selected for appointment returned.

- [ ] WE DESIRE FURTHER CERTIFICATION FOR ____ VACANCIES.

39-13

A6(2)

(The information on this certificate is for United States Government use only.)

UNITED STATES CIVIL SERVICE COMMISSION
CERTIFICATE OF ELIGIBLES
(Continuation Sheet)

CERTIFICATE NO.
C 4-4424
PAGE NO.

ACTION	RATING	VET PREF	NAME (ADDRESS AND PHONE IF ANY) ARE SHOWN IF APPLICATION IS NOT ATTACHED)
			REGISTER USED: TECHNICAL ASSISTANT 409
Appointed 2/3/75 [illegible]	~~AS~~ 86.0	CP	DeFina, Richard/Joseph 220-31 Union Tpk. Flushin . N.Y. 11364 #
			* appeared on 310 - 4/7/74 - for agency to contact again
D	~~AS~~ 101.0	TP	
A	101.0	TP	

3 yrs

CSC FORM 1844-A
MARCH 197

A7 Filed
Oct 24 1975
S D.N.Y

UNITED STATES DISTRICT COURT FOR NEW YORK
SOUTHERN DISTRICT OF NEW YORK

---x

RICHARD J. DE FINA,

Plaintiff,

v.

DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION, DENNIS S. FELDMAN and I.J. CHURCHVILLE, individually and as employees of the Department of Transportation, et als.,

Defendants.

ACTION # 1

75 CIV 1526(WK)

---x

RICHARD J. DE FINA,

Plaintiff,

v.

VIRGINIA M. ARMSTRONG, et als.,

Defendants.

ACTION # 2

75 CIV 1564(WK)

---x

RICHARD J. DE FINA,

Plaintiff,

v.

CLARENCE M. KELLY, individually and as Director of the Federal Bureau of Investigation, et als.,

Defendants.

ACTION # 3

75 CIV 2119(WK)

---x

RICHARD J. DE FINA,

Plaintiff,

v.

RITCHEY WILLIAMS, et als.,

Defendants.

Action #4

75 CIV 2362 (WK)

- x

14

15

AFFIDAVIT 1701

STATE OF NEW YORK)
COUNTY OF QUEENS)

RICHARD J. DE FINA, being duly sworn, deposes and says: that he has read the affidavits and memorandum of law submitted by the Government Counsel and that they do not represent the true situation as to issues of law and fact in each of his four action i.e., 75 Civ. 1526, 1564, 2119 and 2362. Moreover they do not examine with any validity how the issues of law and fact of the plaintiff's attorney's action 75 Civ. 2681 are related to the issues of law and fact of each of the other actions of the plaintiff. The affidavits and memorandum of law do however present false situations in the following instances:

In 75 Civ. 2362, employees of the defendant ITT Corporation asserted personal knowledge of plaintiff and stated to a CSC investigator that the plaintiff had not worked for the then ITT Federal Laboratories from September 17, 1962 to July 13, 1964 and from June 7, 1965 to July 8, 1965, and other wrongful, false and malicious libels which libels included the assertion that the plaintiff was the illegitimate son of a "disbarred" lawyer, Madeline DeFina, who was then and is now a practising attorney and plaintiff's sister.

Now the defendants ITT Corp. and Thomas J. Minogue, separately have answered plaintiff's amended complaint, stating in paragraphs 5 and 3, of their respective answers that they did not know the dates plaintiff had worked for the defendant corporation(See Ex and B attached to plaintiff's complaint)but the dates given by these same defendants to the CSC investigator were given as July 1964 to July 1965.

(A 7(2)

The wrongful, false and malicious representation of the plaintiff's character and reputation clearly induced Government counsel (see p.5.Gov's Memo.) to himself assert a defanatory statement concerning the plaintiff to wit: Plaintiff had been discharged from a position he had in fact resigned from and subsequently was offered, due to the circumstances of his resignation, a similar position by CSC as Library Technican (with typing).

On October 9, 1975, plaintiff went to what he thought was a Discovery proceeding before Judge Schreiber, to find that Judge Schreiber had disqualified himself as to plaintiff's four cases, but he did go into Jurisdiction with Mr. Goldberg, the attorney for ITT., and into the statements that ITT made concerning me, whibh were unquestionably libelous. I insisted not only libelous but criminal and wanted a Grand Jury investigation. Judge Schreiber said he had not been given such authority by Judge Knapp.

Mr. Goldberg submitted an affirmation that ITT Fed. Labs. was dissolved and the assets transferred and split into two divisions of ITT Corp., known as ITT Avionics and ITT Defense Communications which are both wholly owned by ITT Corp., according to the investigations conducted by my attorney. She was told by an employee of ITT Fed Labs, 500 Washington Ave., Nutley, New Jersey, on October 10, 1975, that they still called themselves, ITT FED LABS., although the plant was really the Defense Space Division and is so listed in the phone book.

This new corporation uses the name of ITT Fed Labs., but my attorney was told she had to go to 320 Park Avenue, New York, to

(A 7(3)

find out where the ITT Corporation had sent my files. It appears that ITT is still publishing their libels about me to their numerous divisions of their corporation.

As a result of the similar nature of repeated unlikely outoutcomes concerning employment opportunities I concluded that I was not being giving equal employment opportunities. Consequently my attorney contacted Congressman Rosenthal in my behalf as she believed the cause of these unlikely events might be related to the military. While Congressman Rosenthal allegedly was investigating this matter plaintiff received a letter of inquiry as to availability for the position of Radio Operator from BNDD-NY.

Plaintiff responded that he was available and wished to be considered for this position. Subsequently the BNDD-NY interviewed me, took my fingerprints and began a background investigation based upon a SF 86 that I had completed. This initial investigation was terminated when I was notified by Mr. La Rocco BNDD-NY of derogatory information concerning me.

As Mr. La Rocco would not tell me what the derogatory information was my attorney called in my behalf and was told that the derogatory information concerned my relationship to her. She in turn contacted Mr. Monastero, BNDD-NY who made an appointment for both my attorney and myself to discuss the matter with him.

The outcome of the meeting with Mr. Monastero was that he would reconsider my application based on my explanation of my

A 7(4)

relationship to Ms Madeline DeFina. After months of waiting during which time BNDD-NY investigators tricked a lady minister and friend of my family into stating that she thought I played tennis at Alley Pond Park in Queens New York that is a known hang out for drug addicts when she realized she had been duped into making a statement concerning me that may not be true she notified me and I in turn called Mr. Frank V. Monastero BNDD-NY to inform him that I did not play tennis at that Park and that the minister had inadvertently made a mistatement of fact which statement she had retracted.

Mr. Monastero insisted that the investigators were going to go to the Park and inquire about me despite the fact that I told him I would not give any investigator authorization to ask strangers about me. My attorney called Mr. Monastero at this point and reiterated my statement to him in legal terms. Finally about eight and one half months later, October 31, 1973, Mr. Monastero, BNDD-NY called me to say that I was not selected and that no reason was required. My attorney then demanded a reason in my behalf from both Mr. La Rocco and Mr. Monastero and the CSC-NY. Months later I received a letter from Mr. La Rocco in which he gave wrongful false and malicious reasons for not selecting me. See Ex. A attached to the affidavit of Bruce E. Jensen.

Mr. Jensen stated in a letter to me that he was enclosing copies of several documents including the handwritten SF 86 that I had executed for the then BNDD-NY. The enclosures excluded the page of the SF 86 concerning my parents and relatives.

that had caused me to visit the office of Frank V. Monastero to deny his contradiction of my SF 86 entry that Madeline DeFina was my sister.

The defendant, Attorney General Levi, in a letter to my attorney stated that I was never the subject of any criminal investigation by the Justice Department. Yet Government Counsel states several times in his memorandum of law that I was the subject of a criminal extortion investigation.

The FAA and/or CSC NY defendants acting outside the scope of their official capacities did not notify the plaintiff of his eligibility for the position of Electronic Technician pursuant to the certification issued to the FAA by the CSC-NY, June 24, 1974, and falsified Government records to indicate that he was an applicant and that another applicant's selection over him was approved by CSC, N. Y. on September 12, 1974.

On July 3, 1974, a supplement to the initial certificate of eligibles was issued to FAA by CSC-NY. As in the case of the initial certificate, the FAA and/or the CSC-NY defendants acting outside the scope of their official capacity did not notify the plaintiff of his eligibility and so the plaintiff was again excluded from candidacy by the FAA.

The Armstrong affidavit states that in both the initial and supplemental cases the FAA and the CSC-NY considered the plaintiff to be a candidate for the position of electronic technician. It also states that after CSC-NY approved the initial selection and

A7(6)

the FAA returned on October 21, 1974 for approval to the CSC-NY ~~for approval to the CSC-NY~~ the supplemental selection which selection CSC-NY required an objection or reason for not selecting the plaintiff for approval, as plaintiff was a veteran and under the veteran preference 5 USC 3318 there had to be objections on file.

On November 7, 1974, CSC-NY informed FAA of this requirement. On the same day, Novembbr 7, 1974, the FAA began a cover up of the falsification of Government records where plaintiff was concerned and committed illegal and wrongful acts completely outside the scope of their official capacities which deprived plaintiff of his equal employment opportunities and veteran preference rights by sending the plaintiff a letter as to his availability and whether or not he wished to be considered an applicant for the position it had returned a selection for approval on to CSC-NY October 21, 1974.

On November 8, 1974, plaintiff received Ex 1, from the FAA, a letter of availability dated, November 7, 1974. Believing it was an offer in good faith, plaintiff accepted and mailed out forms to the FAA. Plaintiff was fingerprinted, had to go to a private doctor for a medical and paid $15.00, had to make out all the forms for a second time, went for an interview and on November 14, 1974, was told that he had to send an authorization for his medical records, which he did.

The FAA claimed that due to non-receipt of plaintiff's

medical files. His appointment was being held up and on December 9, 1974, plaintiff phoned Mr. Santor, an attorney for the VA. This attorney informed plaintiff that his medical file would not be released to the FAA as plaintiff was not applying for an Airman Certificate. When plaintiff told this to the FAA they agreed and stated it was a "mistake" to ask for the VA file and on December 12, 1974, plaintiff revoked his authorization to send the files to the FAA. At this point both the FAA and the VA were insisting that the files were not given to the FAA.

At the time for the candidates selected to be sent away on the training course at Okla City, Okla, was near and plaintiff had not heard he called the FAA on January 8, 1975. Plaintiff was told he was not hired. As this was the pattern for years, his attorney phoned the FAA and Burtness read the criminal statute to her and stated I was guilty of violating section 1001 of 28 USC.

Plaintiff and his attorney demanded a hearing and the right to know the names of the employers, Burtness denied him this right. As a result plaintiff called the CSC and it also denied him this right. He was told that he had no right to know the names of his employers and who made the contradictory statements, or to question their rejection of him.

It is interesting to know that on page 2 of his affidavit Burtness states that he sent out "in excess of twenty-six previous employers listed" by plaintiff but that he sent only "twenty employment vouchers" to the CSC. What happened to the rest?

A7(F)

were they favorable to the plaintiff?All these documents were demanded. There was a fraud on the Government and the plaintiff as witnessed by these two affidavits of Burtness of the FAA and Ms Armstrong of the CSC.

Burtness tried to make it appear that on June 19, 1974 he got a list of "candidates" from the CSC and that the name of Richard J. DeFina appeared on it and he sent out the employment inquires and on these vouchers Plaintiff had been discharged, therefore on January 7, 1974, he filed objections which are an exhibit to plaintiff's complaint and the objections were sustained and to follow up this fraud, the objections are listed and made to appear that plaintiff got a notice dated, 6/24/74. See page 1 of exhibits attached to many of the filed papers by both plaintiff and government counsel, as the sustained objections.

The reasons submitted by FAA for not selecting plaintiff reviewed and sustained by CSC on February 3, 1975 are based on false information illegally obtained and submitted by the VA for the purpose of covering up the denial of plaintiff's equal opportunities and veteran preference rights and the fact that the FAA had illegally gotten plaintiff's VA medical files and other documents it would not have gotten except for the deceit of offering a position that had already been filled.

Now for the VA medical files, the FAA, Wilson and Burtness and the attorney for the defendant, FELICE PEPE. Government counsel conceded and sent some of the VA files to plaintiff that the FAA had received from the VA in June, 1974. The attorney for the VA, John B. De Leo, makes this statement about Mr. Gerber, that

A7(9)

Mr. Gerber, by letter dated, July 23, 1975 gave a photostatic copy of the veteran's military records to Mr. DePina which "he alleges were sent to the FAA". How did Mr. Gerber get records his client swore he returned to the VA and when did the FAA get these files, Mr. Gerber claims that Burtness had in June 1974 when Burtness claims that he received after plaintiff gave him the authorization to get medical files on November 14, 1974.

If discovery is still denied plaintiff with all these false statements made to remain unquestioned, it will be a travesty of justice. Ms Armstrong's affidavit states that on June 14, 1974 she received from the FAA a request and that the request was held pending because an individual application had not been processed.

On June 20, 1974, she received another request from the FAA. A certificate with Mr. DePina's name was sent to the FAA with two other veterans on June 24. The FAA appointed one of the veterans and non-selected plaintiff, who had in fact never been contacted. Someone else was approved on September 10, 1974. Then the eligible whose application had not been processed June 14, 1974, was added to the Register on June 27, 1974.

FAA appointed a non-veteran and non-selected a veteran, plaintiff and she, Ms Armstrong contacted the FAA and told them on November 7 they had to file objections and at this point they contacted plaintiff and pretended they were going to consider him when the

A7(10)

only reason according to a sworn affidavit was to get objections not to hire him and put him in a "62" file and help cover up for the FBI files that they also are building up.

Mr. Monastero is keeping a handwritten form of mine and the Attorney General is covering up that no such paper exists as I got copies of all alowable documents. This is false. Mr. Levi also stated that I was not the subject of any criminal investigation. Mr. Gerber thinks otherwise for he makes a great deal of this to destroy and ruin my character and reputation.

Mr. Jensen's affidavit is not fair as he said he was sending everything he had pertaining to me and my demand so stated I wanted everything they had on me and now Mr. Gerber insists I did not make the demand for everything hence I am not entitled to these documents.

These defendants have gone all over the neighborhoods. Miss DeFina informs me she never made the statements that these investigators claim she made to them. They have affected my relationship with my neighbors. They have told the police of my precinct about me. They have advertised it to neighbors, and that was the reason why Ms DeFina went to Congressman Rosenthal but he failed to do anything. He also kept silent about what he knew.

Ms DeFina contacted a lawyer to take the case and after investigation informed her that I never would work again unless a Federal Court ordered me to be hired. He wanted $10,000. but refused to say what he knew and wanted the money in advance. This was impossible and thus I now find myself doing what J

A70

must do to ever work and regain my standing in my community my right to my character and good name which these defendants, ruthlessly, maliciously, illegally robbed me of, my rights as a veteran, my rights under the Constitution and my civil rights.

Richard J. DeFina

RICHARD J. DE FINA

Sworn to before me this
23rd day of October 1975

Madeline DeFina

MADELINE E. DEFINA
NOTARY PUBLIC, State of New York
No. 41-5356936 - Queens County
Term Expires March 30, 1976

OPTIONAL FORM 8
CIVIL SERVICE COMMISSION

INQUIRY AS TO AVAILABILITY

Return this form to—

AGENCY AND ADDRESS (street, city, and state)

Herbert K. Wilson, Jr. AEA-14
Federal Aviation Administration
Federal Bldg JFK Int'l Airport
Jamaica, NY 11430

NAME

Mr. Richard J. Defina
220 31 Union Tpk.
Flushing, NY 113644

(Please correct address if different from above)

DATE	CLASSIFICATION
11/7/74	GS-7/9 (462)
POSITION	SALARY
Electronic Technician	$7,59- pa.
LOCATION	
Jamaica, NY	

TYPE OF APPOINTMENT:
- [X] CAREER-CONDITIONAL
- [ ] CAREER
- [ ] TEMPORARY FOR

This office is considering you among others for the employment described. Please fill out the "Availability Statement" below, indicating whether you would accept this position if offered, and return the entire sheet to this office. Appointment would be subject to the Civil Service requirements described on the back of this sheet. Whether you are available or not, your reply to this inquiry must be received by this office not later than 11/15/74. If your reply is not received by this date, you cannot be considered.

A. [ ] The Civil Service Commission has furnished your original application for review.

B. [X] The Civil Service Commission was unable to furnish your original application for review at this time since it is being used elsewhere. You will find an application form attached to this inquiry. Please complete this application and return it to this office promptly along with your reply to this inquiry if you wish to be considered for appointment.

Failure to reply to this inquiry will result in the removal of your name from the list of eligibles.
THIS IS A LETTER OF INQUIRY AND NOT AN OFFER OF EMPLOYMENT. If selected, you will be notified and given further instructions.

Other information: Candidate selected will be required to attend six months training course at Okla City. Okla. Retention will depend on successful completion of course after which employee may be assigned to a duty location in the States of NY, NJ, DEL, MD. VA. PA. W.VA and District of Columbia. Position involves rotating shifts on 24hr [illegible] Sat & Sun. H.K.WILSON, JR. /s/
Personnel Management Specialist

AVAILABILITY STATEMENT

The information you give below regarding your availability will be furnished to the civil service office which maintains the list of eligibles on which your name appears. It will not, therefore, be necessary for you to furnish this information direct to the civil service office. If you decline this position and do not give the conditions under which you will be available for future appointment, your name will be removed from the list of eligibles until such time as you report the conditions under which you are again available.

(Check one)

[X] I am available and wish to be considered for the position described above. I can report for duty within 2 days after notification. I am now employed by unemployed at _____

[ ] I do not wish to be considered for the position described above. *I am giving my reasons on the other side of this form.*

[ ] I request that my name be removed from the active list of eligibles until I report that I am available for appointment. Consider me available for other appointments, subject to the following conditions:

The position must pay at least $_____ per _____ (year, month, day, or hour).

I am willing to work: [ ] In Washington, D.C.; [ ] Anywhere in the U.S.; [ ] Outside the U.S.

I will accept appointment in the following locations only: _____

I will accept short-term appointments of: [ ] 1 mo. or less; [ ] 1 to 4 months; [ ] 4 to 12 months.

11/08/74 (Date)

Richard J. Defina (Signature)

(SEE OTHER SIDE)

A8(1)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- x

RICHARD J. DE FINA,

Plaintiff,

-against-

VIRGINIA M. ARMSTRONG, et als.,

Defendants.

- x

75 CIV. 1564

MOTION TO OBTAIN D.E.A. REPORT IN ITS ENTIRETY AND SET ASIDE INACCURATE REDACTED REPORT TO 4/2/73 AND LEAVES OUT TO 10/31/73

PLEASE TAKE NOTICE that upon the annexed affirmation of MADELINE DE FINA, affirmed on the 2nd day of April 1976 and upon the redacted report sent to the attorney for the plaintiff on the 23, March, 1976, the undersigned will move this Court in Room 519 of the United States Courthouse, Foley Square, New York, New York on April 9, 1976 at 2:00 P.M. for reargument of the denial of the files in this action and in particular to set aside the inaccurate redacted report (exhibits are annexed to establish this)and for the full report covering the D.E.A. investigation (a pretense for violating plaintiff's privacy)to October 31,1973; which report is illegible in parts,on the grounds plaintiff's rights under the Veteran's Preference Act, Privacy Act of 1974, 5 U.S.C. 552, U.S. Constitution and the Bill of Rights were violated.

Dated: Flushing, NewYork, April 2, 1976

Yours, etc.,

MADELINE DE FINA,
Attorney for Plaintiff
Office & P.O. Address,
220-31 Union Turnpike,
Flushing, N. Y. 11364
479-1555

To:
ROBERT B. FISKE, JR.,
U.S.A. One St. Andrews
Plaza, New York, N. Y.

24

A8(2)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- x

RICHARD J. DE FINA,

Plaintiff,

-against-

VIRGINIA M. ARMSTRONG, et als.,

Defendants.

75 Civ. 1526

AFFIRMATION

- x

State of New York)
County of Queens) SS

MADELINE DEFINA, being duly sworn, deposes and says: that she is submitting this affirmation in support of her motion and in addition, refute the inference of the U.S.Attorney about Congressman Rosenthal.

1. I went on January 15, 1973, with a witness, Gloria DeFina, with documents, downgrading Mr. DeFina's rating after I made an appeal to see the U.S.Civil Service files, believing that secret information(how true this turned out to be)were being used against a client of mine, and a relative, the plaintiff in this action, to the office of Congressman Rosenthal.

2. Congressman Rosenthal was very abrupt with me telling me to give my documents to the clerk outside. I stated that I wanted it clearly understood I was not there seeking "influence" to get my client a job, but to investigate what I believed was unlawful tactics employed by the U.S.C.S. against my client. See Ex 1 where Mr. DeFina was told by someone in Rosenthal's office he went to the Congressman who "promised to get him a job". The plaintiff denied this, demanded the return of the documents, See Ex 1.

A8(3)

2. After the Exhibit was sent, I got a call from Congressman Rosenthal's Washington office and the matter was believed by me to me straightened out as a "misunderstanding" and the Congrersman would continue to investigate.

3. Then came about February 19, 1973, a letter from the Bureau of Narcotics and Dangerous Drugs of the Department of Justice offering the plaintiff a job.

4. This was not a sincere offer but a reason to keep an investigation going as against both plaintiff and his attorney from Feb. to October 31, 1973. Plaintiff's attorney had to threaten going into Court on an injunction, as the so called investigators continued going into Alley Pond Park and to others, while insulting both plaintiff and his attorney that we "could not stop them".

5. The redacted report is false as to its contents:

(1.) The handwritten part of Standard Form 86 was withheld by the D.E.A. even after an appeal to Attorney General Levi.

(2)It is false that General Instrument Corporation would not rehire plaintiff and he was"not eligible for re-employment" See Ex 2, where they told an investigator for U.S.C. Service back in 1971, he was "elibible for re-employment."

(3)#4, is outrageous in light of ex 3 attached there to.

5. I can go on and on about the falsehoods, but wish to leave this to my day in Court or hearing on April 9, 1976.

Dated: Flushing, N. Y. April 2, 1973.

MADELINE DE FINA

A-8 (4)

Richard Joseph McFinn
220-11 Union Turnpike
Flushing, New. 11364

(212)470-1555

February 15, 1973

Hon. Benjamin S. Rosenthal
Member of the United States
House of Representatives
Washington, D.C. 20515

Sir:

I am writing to you in regard to the attached remark made to me, today, by a member of your New York office staff I quote, "Congress- man Rosenthal provided us as a job".

Since my request that you investigate my experience with Civil Service in securing such an insidious recommend, I now request my request that you investigate and ask that you return to me the documents left in your New York office by my attorney.

Sincerely,

Richard J. McFinn

RJMcF/jf

Ex 1

the classroom material to him at home so that he could do the classwork and [illegible] him submit a special paper in lieu of a final examination. He met all the requirements and was given a grade of B+ for the course. The semester is only recently completed, and I do not know if the records office has yet received the grade.

I quickly observed in the classroom that Richard was extremely intelligent. [illegible] film strip [illegible] the class [illegible] was [illegible]

I knew Richard in the classroom only. He displayed good habits there, was never a source of trouble to me, and my total impression was very favorable. He was courteous, refined and extremely reliable. He seemed sober and mentally normal.

Although his general appearance was that of a healthy fellow, the operation he had prevented him from traveling from his home to the college.

I formed the opinion in the classroom that Richard is a reputable citizen and he certainly expressed no extremist or subversive views. He is mature-looking and I would certainly recommend him for a responsible position involving the national security.

HICKSVILLE, NEW YORK

GENERAL INSTRUMENT CORPORATION, Electric Systems Division, 174 Andrews Road. Record information furnished by [illegible]

The employment record card pertaining to Richard DeFina reveals that he was employed from April 7, 1969 to June 30, 1969, when he resigned voluntarily giving as his reason "to accept another job." During his period of employment with us, he was participating in a training program to prepare him to be a field engineer with our equipment. At the completion of the training, he would have been put aboard ship and have remained in this status. My review of the record would indicate that he was never assigned to any ships having not completed the program of training when he resigned.

Our records show his date of birth to be January 12, 1938. His Social Security Number is 100-28-5000. He resided at 220-31 Union Turnpike, Flushing, New York.

Although our record does not include his educational background, no college degree was required for the training program. His employment was too brief for the record to include any supervisory evaluations.

Since the record card includes no unfavorable information, I would consider him to be eligible for reemployment.

INVESTIGATOR'S NOTE: Attempts to interview witnesses at the above employment who had personal contact with the subject were unsuccessful. The Director of Industrial Relations advised that the employee who was in charge of the Field Engineering Training Program is now in Europe. Other trainees during the period are now in the field assigned to various ships.

MINEOLA, NEW YORK

[redacted]

NASSAU COUNTY POLICE DEPARTMENT, (covers Hicksville and Greenvale, New York).

No criminal record.

ELMHURST, NEW YORK

[redacted]

KOLLSMAN INSTRUMENT CORPORATION, Corporate Records Office, Underhill Boulevard, SYOSSET, NEW YORK. Record information furnished by [redacted]

At this date, we have retained a personnel record card only pertaining to Richard J. DeFin who was employed in our Elmhurst, New York Plant from September 21, 19 6 to January 12, 1968. At this date, he resigned giving as his reason to accept a better job. He was employed as an electronic test equipment t chician during the entire employment.

His Social Secur t number is 100-28-5000. His date of birth was given as January 12, 1 3 and he resided at 220-31 Union Turnpike, Flushing, New York. At that me, he was single.

The record conta ns no information which would reflect adversely on his reputation, conduct or reliability, and it was noted that he is eligible

EX-2

A8 (7)

CLASS OF SERVICE

WESTERN UNION (05)

TELEGRAM

W. P. MARSHALL, PRESIDENT

1201 (4-60)

AC020 331P EDT JUL 13 64 SYE178 P[illegible] =

P PEA340 PD CLIFTON NJER 13 255P EDT

RICHARD DEFINA =

315 101 ST BROOKLYN NY =

EFFECTIVE THIS DATE YOU HAVE BEEN LAID OFF DUE TO LACK OF WORK =

A SALERNO ITTFL = :

=SIG PER CY =

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE

EX3.

Standard Form 514
Rev. August 1951
Bureau of the Budget
Circular A-47 Revised

CLINICAL RECORD | LABORATORY REPORT

A9(1)

See 44

(N) RLG (1) (C)

LAST NAME - FIRST NAME - MIDDLE NAME: DE FINA, RICHARD (J.)

S.S. 225-26-6472

REGISTER NO.: 21112651

WARD NO.: F

AGE: 35 SEX: M

(Check one) ☐ BEDSIDE, WHEELCHAIR, OR STRETCHER ☐ BED PATIENT ☒ AMBULATORY

EXAMINATION REQUESTED: Sinuses

REQUESTED BY: Dr M. Heller

DATE OF REQUEST: 7-1-71

(Above space for mechanical imprinting, if used)

PERTINENT CLINICAL HISTORY, OPERATIONS, PHYSICAL FINDINGS, AND PROVISIONAL DIAGNOSIS

Sinusitis

7/1/71 - X-ray

DATE OF REPORT

Sinuses 7/1/71: The aeration and development of all of the paranasal sinuses are normal.

225-26-6472 VAOPC NY JF:bh

SIGNATURE (Specify location of laboratory if not part of requesting facility)

4/8 Hosp

NAME OF HOSPITAL OR OTHER MEDICAL FACILITY

63

Standard Form 519-A (Rev. Aug. 1954)
Promulgated by Bureau of the Budget
Circular A-47 (Revised)

RADIOGRAPHIC REPORT
519-205-01

ATTACH ALL TEST REPORTS TO THIS SHEET

PATIENT'S IDENTIFICATION (For typed or written entries give Name (last, first, middle, grade, date, hospital or medical facility)

REGISTER NO.

WARD NO.

LABORATORY REPORTS
Standard Form 514
5.4 [illegible]

63

A9(2)

Approved Exception to SF88
Budget Bureau No. 76-R0246

VETERANS ADMINISTRATION

REPORT OF MEDICAL EXAMINATION FOR DISABILITY EVALUATION

1A. CLAIM NO. C7 21112651

1B. VETERANS SOCIAL SECURITY NO. [illegible]

2. INSURANCE FILE NO. (*V.I.K. etc., if pertinent*) 25266472

INSTRUCTIONS FOR PREPARING THIS FORM.—This report must be completely executed. Describe the results of a general examination of every system and body part including, but not restricted to, the systems and body parts involved in the history and present complaints. Wherever indicated, specialists' examinations, X-rays, laboratory examinations, etc., should be recommended. If additional space is needed, comments may be continued in item 44 or on separate sheets attached to this form.

3. LAST NAME—FIRST NAME—MIDDLE NAME OF VETERAN (*Type or print*)	4. PURPOSE OF EXAMINATION	5. DATE OF EXAMINATION
DE FINA RICHARD J.	Disability&Compensation	7/1/71
6. HOME ADDRESS (*Street or RFD number, city, State, and ZIP Code*) 220-31 Union Turnpike Flushing, N.Y. 11364	**7. PLACE OF EXAMINATION** 252 - 7th Avenue New York	**8. AGE** 35

SECTION A—OCCUPATIONAL HISTORY SINCE LATEST DISCHARGE FROM MILITARY SERVICE OR LATEST VA EXAMINATION

9. NAME AND ADDRESS OF EMPLOYER (*If unemployed enter "None".*)	10. TYPE OF WORK	11. MONTHLY WAGES	DATES OF EMPLOYMENT 12. FROM	DATES OF EMPLOYMENT 13. TO	14. TIME LOST IN PAST 12 MONTHS
U.S. Government	GS4Library Tech.(Typing)	$519.	5/3/71	5/26/71	

14B. REASON FOR TIME LOST (*If any*) Until end of 1970, I was unable to work or even attend Post College. I had to get sick leave and lost my tuition in the sum of $1120.00.

SECTION B—MEDICAL HISTORY SINCE LATEST VA EXAMINATION AS RELATED BY PERSON EXAMINED

15. NARRATIVE HISTORY (*Include manner and date of origin*)

Nervousness & tense. Veteran states he was treated for [illegible] & was out approximately at Bayridge Hospital B'klyn
Eye- Wearing glasses since age 13. States treated U.A. Oil.on [illegible] service 1/20/00 on discharge.

NAME AND ADDRESS OF DOCTOR OR HOSPITAL	CONDITION TREATED	FROM	TO
16A.			
16B.			
16C.			

17. PRESENT COMPLAINT (*Symptoms only, not diagnosis*)

Nervousness has been complaining for 4 yrs. At present veteran states he has nervous days still & some days more at times he has blood in the [illegible] when he draws himself after bowel movement
Eye- poor vision without glasses.

I HEREBY CERTIFY that the entries under Occupational and Medical History are complete and correct to the best of my knowledge.

18. DATE SIGNED	19. SIGNATURE OF PERSON EXAMINED (*Do not print*)
7-1-71	X Richard J. De Fina

PENALTY.—The law provides severe penalties which include fine or imprisonment, or both, for the willful submission of any statement or evidence of a material fact, knowing it to be false, or for the fraudulent acceptance of any payment to which you are not entitled.

VA FORM OCT. 1968 21-2545 EXISTING STOCKS OF VA FORM 21-2545, MAR. 1965, WILL BE USED.

A 10(1)

UNITED STATES DISTRICT COURT FOR NEW YORK
SOUTHERN DISTRICT OF NEW YORK

Filed June 8 19

RICHARD J. DE FINA,

Plaintiff,

v.

DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION, DENIS S. FELDMAN and I.J. CHURCHVILLE, individually and as employees of the Department of Transportation, et als.,

Defendants.

75 CIV 1526(WK)

ACTION #1

COPY OF PAPERS MISSING AND COPY OF LETTER OF AUGUST 30, 1975 TO COMPLETE RECORD ON APPEAL

RICHARD J. DE FINA,

Plaintiff,

v.

VIRGINIA M. ARMSTRONG, et als.,

Defendants.

75 CIV 1564(WK)

ACTION # 2

Attached for order to file Record on Appeal are true photostat copies of lost papers Docket Sheet 75 CIV 1526:

#20-plaintiff's objections to signing of Government's proposed judgment.

#28-Motion Instanter May 10, 1976 to compel entering of judgment.

Docket Sheet 1564

Order to file copy of certified letter sent by certified mail to Judge Knapp on August 30, 1975 and at present in file 1564.

MADELINE DE FINA

A10(2)

August 30, 1975

Honorable Whitman Knapp,
United States District Judge,
United States Courthouse,
Foley Square, N. Y. 10007
&
c.c. To U.S. Assistant
Attorney, N. L. Gerber,
One St. Andrew Place,
Foley Square, N. Y. 10007.

Re: Richard J. Defina vs. Drummond, et als.
75 CIV 1564

Dear Judge Knapp:

I am attaching hereto a letter with three attachments, marked 1, 2, 3 and 4, which I received certified mail, on August 29, 1975, "To be opened by Addressee only" from Joseph L. Durant acting for Robert J. Drummond, Jr. defendant in the above entitled action. This letter was sent to me in response to a common demand I made, on my own behalf, to the National Security Agency and others, including once more the U.S. Civil Service Commission, for information I alleged that they were exchanging among themselves pertaining to me.

Mr. Drummond had informed me emphatically that he had sent me all the files he had on me, with noted deletions and the CIA, Postal Authorities and Congressmen were denying derogatory files pertaining to me. The CIA, like Mr. Drummond, denied files on me. What a shock it was for me on August 29, 1975 to open Mr. Drummond's letter and note that I was on a subversive list by lies and falsehoods, cleverly put together. I never represented Major Ronald E. Alley in any Court Martial or appeal before the U.S. Court of Military Appeals and did not know such a person existed until months after "1/4/58", but as this letter is written strictly on behalf of my client, Richard J. Defina, I will not at this time discuss myself and the very small favor I did for this unfortunate man.

I was quite shocked to read that these infamously secret papers had been filed against Richard J. Defina and is absurd, since Mr. Defina was in the Regular U.S.A.F. in Europe completing a four year enlistment in August of 1959 and he had no

(44)

Memo Answered on letter dated
this letter - certified Rec'd Sept 2/75

A10 (3)

knowledge of Mr. Alley until August 29, 1975, when Mr. Drummond's letter was received. They have imposed upon Mr. Richard J. DeFina, civil ex-communication, in violation of every rule of law.

Attached is exhibit #5, a tissue of falsehood and deceit and the return of Exhibit #6, was to make sure that nobody would accidentally, in the future, as Mr. DeFina has gotten secret clearance up to 1970, come upon the proof of how Mr. DeFina was given a false statement when he sought to find out the truth, see Ex 7. #6 is a copy of one of the documents sent to him by Mr. Drummond about May 14, 1975. As can be seen in #6 "Remarks" is typed, "ADVANCE NAC'S SENT 5-17-75." NAC is National Agency Check Center to whom Mr. DeFina sent his demand under the FOIA on June 17, 1975 and received back by letter dated 19 June 1975, the Ex 6 showing that the U.S.Civil Service Commission had gotten the derogatory documents, #1-4 attached hereto, which was denied by the agency that sent the documents to the U.S.C.S.

Also please note that on Ex 6, there is a CIA file on Mr. DeFina but allegedly there is "no pertinent information"! The CIA still maintains in the face of this document that they have no file. Again #5 reflects noting on Mr. DeFina's record with the U.S.C.S.C. that there is a file relating to him in the General Index of the "House Committee on Internal Security".

In light of all of the above I made my personal demand mentioned in the first paragraph of this letter. The only one to respond was Mr. Drummond with Ex. 1,2,3 and 4. Also note that Ex 6 mentions a "FBI & 7 report. I have tried to find out from the FBI and Mr. Gerber what "7" means and failed. There is an urgency to destroy these files, files maintained by the House Committee on Internal Security and the COMMITTEE ON UN-AMERICAN ACTIVITY! I appeal again to Mr. Gerber to make available to me a list of all the files being maintained on Mr. Richard J. DeFina and exactly what is a FBI file and "7".

Thank you for your reply to this extremely serious and urgent matter.

Respectfully,

Madeleine Duncan

7 Encl.

A10(4)

UNITED STATES CIVIL SERVICE COMMISSION
BUREAU OF PERSONNEL INVESTIGATIONS
WASHINGTON, D.C. 20415

IN REPLY PLEASE REFER TO

YOUR REFERENCE

CERTIFIED MAIL
RETURN RECEIPT REQUESTED - TO BE OPENED BY ADDRESSEE ONLY

22 AUG 1975

Ms. Madeline E. DeFina
Attorney at Law
220-31 Union Turnpike
Flushing, New York
11364

Dear Ms. DeFina:

In response to your letter of August 8, 1975, attached herewith please find a copy of all information relating to you which is maintained in the investigative files of the U.S. Civil Service Commission.

The attached are exact copies of the originals, only the identifying initials of the staff members who prepared the documents have been deleted, this is pursuant to Section 552(b) of the Freedom of Information Act, Public Law 93-502.

Sincerely yours,

Joseph L Durant
for Robert J. Drummond, Jr.
Director

Attachments:
o Form IN 34 dated 1/22/71
o Form IN 35 dated 1/22/71
o Form IN 17-A dated 1/19/71
o Section 552(b), Public Law 93-502

A1065

UNITED STATES CIVIL SERVICE COMMISSION
BUREAU OF PERSONNEL INVESTIGATIONS
WASHINGTON, D. C. 20415

BACKGROUND INVESTIGATION
#2.23.71.4166

RECORD SEARCH INFORMATION

The information on this Form IN 34 and the attached Form(s) IN 35, is supplied solely as an aid in an inquiry or the conduct of an investigation. The information is not to be considered as having been positively identified by the Commission with either the person(s) or organization(s) named in the request for search since the identity of the person and the credibility of the information have not been established or verified. Further, the mention of an organization is not to be taken as a characterization by the Commission of either the nature or purpose of such organization.

1. RICHARD JOSEPH DE FINA, born 1/12/36 at Brooklyn, N.Y., submitted SF-86, dated 12/22/70, reflecting the following information:

Item #8 (Dates and Places of Residence)

From	:	Jan. 1966
To	:	Present
Address:		220-31 Union Turnpike, Flushing, N.Y.

Item #15(Employment)

From	:	Aug. 69
To	:	Present
Name of Employer	:	MADELINE DE FINA
Address	:	220-31 Union Tpke, Flushing, N.Y.
Type of Work	:	Law
Reason for Leaving:		To get permanent job.

Item #25(Relatives)

Sister	:	MADELINE DE FINA
YOB	:	12/7/06
Address	:	220-31 Union Tpke, Flushing, N.Y.
Country of Birth:		U.S.A.

2. See attached IN-35 on MADELINE E. DE FINA.

- 1/22/71
- 1/25/71

A 10(6)

RECORD SEARCH INFORMATION - - - - (See introductory statement on Form IN 34)

The files reflect the following information on: MADELINE E. DE FINA

(All underscoring and capitalization supplied, unless otherwise indicated.)

NATIONAL GUARDIAN, (CITED, HCUA Guide, 12/1/61, p. 193), dated 8/24/59, page 2, contains a letter addressed to "The Mail Bag," by MADELINE E. DE FINA, Attorney at Law, 315 101st St., Brooklyn, N.Y., reflecting:

"I would like to appeal to your readers for assistance in locating witnesses on behalf of my client, RONALD E. ALLEY. My client was a prisoner of war in Camp No. 5 in North Korea from 1950 until the end of the Korean police action.

"My client maintains that he was and is a loyal citizen of the U.S. and is seeking proof to substantiate what he maintains is the truth. During the time I have been MR. ALLEY's attorney (who during his imprisonment was a Captain) I found him to be sincere and honest in his statements.

"I make this public appeal through your paper, because as an American citizen I feel it is a cruel injustice to brand a man disloyal if in truth it is false."

NOTE: Major RONALD E. ALLEY, age 33. Bar Harbor, Maine, was sentenced to ten years at hard labor for collaboration with the Chinese Communists, while a prison in Korea, by a Ft. Meade (Md.) court martial, which sentence was affirmed by an Army Board of Review (Washington Star, 9/7/56, p. B-8) and upheld by the U.S. Court of Military Appeals (Washington Daily News, 1/4/58, p. 6).

- 1/22/71
- 1/25/71

Approved for release

Initials

1-25-71

Date

A10(7)

UNITED STATES CIVIL SERVICE COMMISSION WASHINGTON, D.C. 20415	2.23.71.4165
	NAME ON CSC CASE DE FINA, Richard Joseph
NAME OF REVIEWER [redacted]	DATE REVIEWED 1-19-71

REPORT OF NATIONAL AGENCY CHECK CONDUCTED AT HOUSE COMMITTEE ON INTERNAL SECURITY

The information contained is not to be interpreted as inferring subversion on the part of the subject, except as otherwise affirmatively stated.

The following is an exact copy of information contained in the general index of the House Committee on Internal Security:

DeFina, Madeline E.

NATIONAL GUARDIAN

Attorney-at-law, 315-101st St., Brooklyn

Through a letter to editor appeals to readers to aid in search for a witness for her client, Ronald E. Alley, former North Korean prisoner

NATIONAL GUARDIAN, Aug. 24, 1959, 2. 11/63

[redacted]/1-20-71

DEFENSE INVESTIGATIVE SERVICE
WASHINGTON, D. C. 20314

A/0280

19 June 1975

Mr Richard J. DeFina
240-31 Union Turnpike
Flushing, NY 11364

Dear Mr. DeFina

On 17 June 1975 this office received your letter of 12 June, with enclosure, requesting investigative records. No record identifiable with your request is listed in the Defense Central Index of Investigations.

This agency waives the assessment of fee in connection with the search conducted on your behalf.

We are returning the copy of Civil Service form "Report of National Agency Check" you enclosed with your letter. We are not keeping a copy.

Sincerely

[redacted] E. Hunt
Lt Col, USA
Assistant for Information

1 Atch
CSC Form

[redacted]

4049

FOR UNITED STATES GOVERNMENT USE ONLY

UNITED STATES CIVIL SERVICE COMMISSION

BUREAU OF PERSONNEL INVESTIGATIONS

WASHINGTON, D.C. 20415

REPORT OF NATIONAL AGENCY CHECK

A10(1)

A10(17)

No. 238432

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

SENT TO: [illegible]

STREET AND NO.: [illegible]

P.O., STATE AND ZIP CODE: [illegible]

POSTMARK OR DATE

OPTIONAL SERVICES FOR ADDITIONAL FEES

RETURN RECEIPT SERVICES	1. Shows to whom and date delivered	15¢
	With delivery to addressee only	65¢
	2. Shows to whom, date and where delivered	35¢
	With delivery to addressee only	85¢
DELIVER TO ADDRESSEE ONLY		50¢
SPECIAL DELIVERY (extra fee required)		

PS Form 3800 Apr. 1971

NO INSURANCE COVERAGE PROVIDED—NOT FOR INTERNATIONAL MAIL

(See other side)

* GPO : 1972 O - 460-743

PS Form 3811, Nov. 1973

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1 and 2. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
   - ☐ Show to whom and date delivered..... 15¢
   - ☐ Show to whom, date, & address of delivery.. 35¢
   - ☐ DELIVER ONLY TO ADDRESSEE and show to whom and date delivered..... 65¢
   - ☐ DELIVER ONLY TO ADDRESSEE and show to whom, date, and address of delivery ..... 85¢

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	2 3 9 4 [illegible]	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE: [signature]

4. DATE OF DELIVERY: 2/2/71 — POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: — CLERK'S INITIALS

* GPO : 1974 O - 527-803

A11(1)

[illegible] None [illegible] Aug 70

U.S.A

Top [illegible]

[illegible]

ATTN: SECURITY SUPERVISOR

[illegible] Aug 69

NACC

NAC

21 REMARKS

Freedom of Information

ISSUED BY Defense Industrial Security Clearance Office
Columbus, Ohio

DSA FORM
JUL 69 569a-R

REPLACES DD FORM 264 WHICH MAY BE USED UNTIL EXHAUSTED

CENTRAL CHECK FILE CARD - PERSONNEL

BEST COPY AVAILABLE

A11(2)

1. SECRET [X]; TOP SECRET [ ]; CONFIDENTIAL [ ]

Clearance Issued 23 May 69

2. ---- Advisory card only issued ____

Initial Reviewer LSD Second ____

Derog Info Reviewer Mabel Supervi[illegible]

A 11(3)

19 May 1969

During period Apr 54 - Dec 55 Mr DeFina was -

Law Clerk Madeline DeFina 315-101 Street, Brooklyn, NY

JOHN L. PFEIFFER
Security Officer

A 12

19 HAVE YOU EVER HAD A NERVOUS BREAKDOWN OR HAVE YOU EVER HAD MEDICAL TREATMENT FOR A MENTAL CONDITION? ☐ YES ☐ NO.
(If your answer is "Yes," give details in item 23.)

20 FOREIGN COUNTRIES VISITED (SINCE 1930). *(Exclusive of military service.)*

COUNTRY	DATE LEFT U.S.A.	DATE RETURNED U.S.A.	PURPOSE
Denmark	Dec. 72	Dec. 72	Tourist

21. ARE YOU NOW, OR HAVE YOU EVER BEEN, A MEMBER OF THE COMMUNIST PARTY, U.S.A., OR ANY COMMUNIST OR FASCIST ORGANIZATION? ☐ YES ☒ NO.

22 ARE YOU NOW OR HAVE YOU EVER BEEN A MEMBER OF ANY FOREIGN OR DOMESTIC ORGANIZATION, ASSOCIATION, MOVEMENT, GROUP, OR COMBINATION OF PERSONS WHICH IS TOTALITARIAN, FASCIST, COMMUNIST, OR SUBVERSIVE, OR WHICH HAS ADOPTED, OR SHOWS A POLICY OF ADVOCATING OR APPROVING THE COMMISSION OF ACTS OF FORCE OR VIOLENCE TO DENY OTHER PERSONS THEIR RIGHTS UNDER THE CONSTITUTION OF THE UNITED STATES, OR WHICH SEEKS TO ALTER THE FORM OF GOVERNMENT OF THE UNITED STATES BY UNCONSTITUTIONAL MEANS? ☐ YES ☒ NO.

23 IF YOUR ANSWER TO QUESTION 21 OR 22 ABOVE IS "YES," STATE THE NAMES OF ALL SUCH ORGANIZATIONS, ASSOCIATIONS, MOVEMENTS, GROUPS, OR COMBINATIONS OF PERSONS AND DATES OF MEMBERSHIP. IN ITEM 23 OR ON A SEPARATE SHEET TO BE ATTACHED TO AND MADE A PART OF THIS FORM, GIVE COMPLETE DETAILS OF YOUR ACTIVITIES THEREIN AND MAKE ANY EXPLANATION YOU DESIRE REGARDING YOUR MEMBERSHIP OR ACTIVITIES.

NAME IN FULL	ADDRESS	FROM	TO	OFFICE HELD

24. MEMBERSHIP IN OTHER ORGANIZATIONS. *(List all organizations in which you are now a member or have been a member, except those which show religious or political affiliations.) (If none, so state.)*

NAME IN FULL	ADDRESS	TYPE	FROM	TO	OFFICE HELD
None					

25. RELATIVES. *(Parents, spouse, divorced spouse, children, brothers, and sisters, living or dead. Name of spouse should include maiden name and any other names by previous marriage. If person is dead, state "dead" after relationship and furnish information for other columns as of time of death.)*

RELATION	NAME IN FULL	YEAR OF BIRTH	ADDRESS	COUNTRY OF BIRTH	PRESENT CITIZENSHIP
Mother	Rose DeFina	Jan. 4, 1885	2613 Sunrise Blvd. (Ft. Pierce, Fla.)	Italy	USA
Father	Rocco DeFina	Approx. 1880	599 E. 48th St. B'klyn	Italy	USA
Sister	Gloria DeFina	1933	220-31 Union Tpke. Flushing, N.Y.	USA	USA
Sister	Madeli na Defina	1906	" " "	"	"

NOTE - SHADED AREAS TO BE COMPLETED BY INPUT ACTIVITY P-13

RATING DECISION

1. COPY TO
☐ INS. ☐ OE FOLDER ☐ OTHER (Specify)
☐ MED ☐ R&E FOLDER

2. FILE NUMBER: C 21 112 651
3. TRANS. CODE:
4. DATE OF ISSUE:
5. LAST EXAMINATION: 7-1-71
6. DATE OF DEATH:
7. INITIALS AND SURNAME OF VETERAN: R. J. DE FINA
8. TYPE OF RATING: 1
9. SEX: ☒ MALE ☐ FEMALE
10. BRANCH:
11. ACTIVE DUTY (Mo., day, yr.): EOD 12-16-55 RAD 9-15-59
12. ADDTL. SVC. 1. WT. 2. PTE 3. SCD:
13. DATE OF BIRTH (Mo., day, yr.): 1-12-36
14. COMBAT 1. NONE 2. COMP 3. NON COMP 4. BOTH: 1
15. EMPLOYABILITY 1. EMPLOYABLE OR NOT AN ISSUE 2. UNEMPLOYABLE: 1
16. COMPETENCY 1. COMPETENT OR NOT AN ISSUE 2. INCOMPETENT: 1
17. NO. OF S/C DISAB. (0 through 9) (9 to Show 9 or more): 1
18. FUTURE DATE CONTROLS
PHYSICAL EXAM. MO. 7 YR. 76 REASON 01
OTHER CONTROL 1. ESTABLISH 2. CANCEL ACT. MO. YR. REASON
19. DATE OF THIS RATING: 9-7-71

20. NARRATIVE

J. Claim for increase, personal hearing held 4-15-71.

I. Compensable evaluation for rectal condition, SC for sinus condition and for impaired eyesight due to sinus condition.

F. Last VAX reported a healing fissure in ano, no external or internal hemorrhoids, no fistulae, anal sphincter is spastic. There was a drop of blood on the gauze tissue when veteran cleaned himself following the examination. Sinusitis was reported as not found at last VAX. Sinus x-ray films submitted by the veteran at the hearing held 4-15-71 read as within normal limits at NYRO Clinic. Vision of 20/400, bilateral, corrected to 20/15 bilateral, was found at last VAX and was diagnosed as high myopia.

On 4-15-71 veteran appeared with his attorney at a personal hearing. He testified in behalf of his claim and submitted copies of lay and medical statements, including a statement from Dr. H. Stedfeld relative to sinusitis which was previously received and considered.

D. Rectal findings at last VAX warrant a compensable evaluation. As residuals of the sinus condition treated in service were not found at separation or on VAX held in October 1963 or on last VAX, the prior denial of SC for this condition is confirmed. There is no evidence to show that the veteran's defective vision diagnosed as myopia, shown both at the induction and at the separation examinations and at the last VAX, was aggravated during service. The contensions raised at the personal hearing held 4-15-71 that the entries in the service medical records as to gonorrhea and venereal warts are false and libelous statements and should be expunged from the records, do not raise issues for rating purposes and should be disposed of by Authorization Unit, with appropriate reply to the veteran and his attorney.

Given (about October 1975 under Privacy
Act of 1975 by VA to Plaintiff

A15

Transmit the following in (Type in plaintext or code)

Via (Priority or Method of Mailing)

WFO
PAGE FOUR

DISTANCE OPERATOR, [redacted] ADVISED MADELINE DE FINA WAS EMOTIONALLY ABUSIVE TO HER AND ADVISED THAT SHE WAS CALLING FROM NEW YORK. THE THIRD CALL WAS MADE BY RICHARD DE FINA AND HE ALSO MADE MENTION OF FACT HE WAS CALLING FROM NEW YORK FOR HIS MOTHER AND WAS EMOTIONALLY ABUSIVE, USING MANY CURSE WORDS. SHE SAID SHE TRIED TO TELL RICHARD DE FINA HIS MOTHER SHOULD CALL HOME AND RECOGNIZE NATIONAL AND HE WOULD GET FURTHER. SHE STATED RICHARD DE FINA STATED HE HAD BEEN IN MILITARY SERVICE AND HE WOULD COME TO WASHINGTON AND KILL HER AND [redacted] OF HER OFFICE AND THEREAFTER WOULD GO OVER TO THE ICA AND TAKE CARE OF THE PEOPLE OVER THERE. [redacted] ADVISED [redacted] HAS RECEIVED NO THREATS AND THIS IS THE ONLY THREAT SHE HAS RECEIVED. [redacted] SHE STATED MADELINE DE FINA APPEARS TO BE EMOTIONALLY UNSTABLE AND SHE IS SOMEWHAT FEARFUL HER SON IS THE SAME AND MIGHT DO BODILY HARM TO HER. AUSA [redacted] ADVISED IN VIEW OF THE THREAT TO [redacted] AND [redacted] THAT SOME ACTION WAS WARRANTED. REQUESTED FOR A POLICEMAN TO PROVIDE GUARD DUTY AT ICA DURING

Approved: Special Agent in Charge

5(7)

FBI

Transmit the following in _____ (Type in plain text or code)

Via _____ (Priority or Method of Mailing)

WFO [redacted]
PAGE FIVE

WORKING HOURS ON FEBRUARY EIGHTEEN AND NINETEEN, SIXTY. NEW YORK REQUESTED TO SUBMIT COMPLETE DESCRIPTION OF RICHARD DE FINA SO SAME MAY BE PROVIDED TO POLICE DEPARTMENT. [redacted]

[redacted] DE FINAS RESIDE AT THREE FIFTEEN, ONE HELO ONE STREET, BROOKLYN, NEW YORK. NEW YORK DETERMINE WHETHER DE FINA HAS OFFICE FROM WHICH TELEPHONE CALLS MAY HAVE BEEN MADE THIS DATE. RICHARD DE FINA DESCRIBED AS WHITE MALE APPROXIMATELY TWENTY-TWO YEARS, FIVE FEET EIGHT, MEDIUM HUSKY, ITALIAN APPEARANCE. MADELINE DE FINA DESCRIBED AS WHITE FEMALE IN LATE FIFTIES, ONE HUNDRED POUNDS OR LESS, SHORT, POSSIBLY FIVE FEET TWO. [redacted] REQUESTED RICHARD DE FINA BE INTERVIEWED AT EARLIEST POSSIBLE TIME. IF HE ADMITS MAKING THREATENING CALLS, [redacted] SHOULD BE DISCUSSED WITH APPROPRIATE USA YOUR DISTRICT.

[redacted] CONTACT TELEPHONE COMPANY TO DETERMINE WHETHER CALLS [redacted] VERIFIED BY LONG DISTANCE RECORDS AND TO OBTAIN TOLL [redacted] IF AVAILABLE. INVESTIGATION THIS MATTER SHOULD EXPEDITED AND WFO SHOULD BE KEPT ADVISED OF ALL DEVELOPMENTS.

Approved: _____ Sent _____ M

Special Agent in Charge

5 (2)

417

(1)

2/..../60

(Type in plain text or code)

Priority or Method

TO: DIRECTOR, FBI

FROM: SAC, WFO

[redacted]

[redacted], RICHARD DE FINA,

On 2/19/60, AUSA [redacted] advised SA RICHARD A. MILLER after being informed of the results of the interview of subjects by Agents of the New York Office, that while there is a technical violation, the emotional state of RICHARD DE FINA brought about by the disbarment proceedings against his mother tended to negate the seriousness of the threat and considering all the circumstances involved he felt prosecution was not warranted.

Rec'd on 29 1975

9

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

Copy

12 18

TO : Judge Knapp

DATE: December 29, 1975

FROM : Magistrate Schreiber

SUBJECT:

Madeline DeFina	v.	Robert J. Drummond, Jr., etc.	75 Civ. 2681
Richard DeFina	v.	Dept. of Trans., etc.	75 Civ. 1525
" "	v.	Armstrong	75 Civ. 1564
" "	v.	Ritchey Williams, et al.	75 Civ. 2362
" "	v.	Clarence M. Kelly, etc.	75 Civ. 2119

This afternoon I received a copy of a proposed motion by Madeline DeFina, attorney pro se, in the above case, 75 Civ. 2681, in which she requested that I file a report concerning the hearing held before me on October 14, 1975. A few days after that hearing, she appeared before me along with one Richard DeFina who is the plaintiff in four other cases pending before Your Honor. At that time both Madeline and Richard DeFina requested that I withdraw from the matters and thereafter, I notified Your Honor of this event. Certain suggestions were made about the possibility that Madeline DeFina may have brought the case in the wrong court, however, I made no ruling on the question nor on any of the other related matters because of the withdrawal request.

Respectfully,

Sol Schreiber

cc: Madeline DeFina, Esq.
220-31 Union Turnpike
Flushing, N.Y. 11364

Joseph F. Onorato, Esq.
1633 Broadway
New York, N.Y.

Nathaniel L. Gerber, Esq.
Assistant U.S. Attorney
U. S. Attorneys Office
One St. Andrew's Plaza
New York, N.Y. 10007

(11) EX 3

· UNITED STATES MAGISTRATE
UNITED STATES DISTRICT COURT
UNITED STATES COURTHOUSE
FOLEY SQUARE
NEW YORK, N. Y. 10007

SOL SCHREIBER
MAGISTRATE

January 5, 1975

A19

Madeline DeFina, Esq.
220-31 Union Turnpike
Flushing, N.Y. 11364

Nathaniel L. Gerber, Esq.
Assistant U.S. Attorney
U.S. Attorneys Office
One St. Andrew's Plaza
New York, N.Y. 10007

Joseph F. Onorato, Esq.
1633 Broadway
New York, N.Y.

Re: Madeline DeFina v. Robert J. Drummond, Jr., et al. - 75 Civ. 2681 (W.K.)

All counsel are directed to appear before me on Monday, January 12, 1976 at 2:00 p.m. at which time I will set forth on the record the events which have taken place in the above action. It was my understanding at the meeting of October 14, 1975 that Madeline DeFina had requested that I withdraw from this action as well as the other four actions in which Richard DeFina appears as plaintiff.

Subsequent filings by Madeline DeFina indicate that she claims not to have made that request, therefore, a hearing will be held before a Court Reporter to take up the matter referred to me by Judge Knapp in the above case.

Respectfully,

SOL SCHREIBER
UNITED STATES MAGISTRATE

A20

UNITED STATES DISTRICT COURT FOR THE NEW YORK
SOUTHERN DISTRICT OF NEW YORK

- - - - - - - - - - - - - - - - - - - x

RICHARD J. DE FINA,

Plaintiff,

v.

DEPARTMENT OF TRANSPORTATION, et als.,

Defendants.

- - - - - - - - - - - - - - - - - - - x

RICHARD J. DE FINA,

Plaintiff,

v.

VIRGINIA M. ARMSTRONG, et als.,

Defendants.

- - - - - - - - - - - - - - - - - - - x

RICHARD J. DE FINA,

Plaintiff,

v.

CLARENCE M. KELLY, et als.,

Defendants.

- - - - - - - - - - - - - - - - - - - x

RICHARD J. DE FINA,

Plaintiff,

v.

KITCHEY WILLIAMS, et als.,

Defendants.

- - - - - - - - - - - - - - - - - - - x

MOTION HAS BEEN MADE PURSUANT TO RULE 55(d)(1) AND RULE 6 OF RULES FOR SOUTHERN DISTRICT FOR AN ORDER REQUIRING MARSHALL SCHREIBER TO APPEAR AND SHOW CAUSE, ETC. RETURNABLE ON OCT. 9, 75

75 CIV.1526(RJ)

Filed Jan 30 1976
S D/N.Y.

75 CIV.1564

75 CIV. 2119

75 CIV. 2362

SIR:

PLEASE TAKE NOTICE, that upon the annexed affidavit of RICHARD J. DE FINA, sworn to on the 28th day of January 1976, the affirmation of MADELINE DeFINA, ESQ., affirmed on the 28th day of January 1976, and upon all the pleadings and proceedings had herein, the undersigned will move this Court before Judge Knapp, at the United States District Court for the Southern District of New York on February 6, 1976 at 2p.m. Room 519, or as soon thereafter as counsel can be heard, for

Yes

2/6/76 (18)

A21

an order under FRCP Rule 53(d)(1) and Rule 6 of the Rules for the Southern District Court, requiring Magistrate Schreiber to report events surrounding his withdrawal on October 9, 1975, so that the proceedings can be speeded up on plaintiff's four actions, that another magistrate be appointed, that a hearing be had with discovery, that the false libelous files be enjoined, pending trial to enable plaintiff to seek employment, which he cannot do with the FBI file against him for Extortion and other damaging false files of the Civil Service Commission, IRT, and the other defendants, published, maintained and disseminated to keep plaintiff unemployed.

[illegible], etc.,

Richard J. DeFina

TO: MAGISTRATE SCHREIBER

Alvin Gerber,
1 St Andrew Plaza,
New York, NY 07

Joseph F. Forrato,
Atty for Mizogue and IRT.,
1633 Broadway, N. Y.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

A22

- x

75 CIV. 1526 (MP)
75 CIV. 1564 (MP)
75 CIV. 2119 (P)
75 CIV. 2362 (MP)

- x

AFFIDAVIT

State of New York)
County of Queens)

RICHARD J. DE FINA, being duly sworn, deposes and says: that he is the plaintiff in the above captioned actions and is acting for himself in each instance.

On September 16, 1975, at 9 p.m. these actions were put on for a pre-trial conference, at which time I had an attorney, Madeline DeFina, representing me.

Instead of a pre-trial conference I was informed by Judge Knapp that he was appointing a magistrate to look into these matters, and that the matter might even be referred to a Grand Jury.

Subsequently my attorney informed me that one, Magistrate Schreiber, had been appointed by Judge Knapp to hear and report upon my four cases and that a hearing was scheduled for October 9, 1975.

A23

At the outset of this meeting on October 9, 1975, Judge Schreiber and ITT's counsel, Mr. Goldberg, engaged in an apparent argument, the purpose of which, I believe, was to mislead me into thinking that Judge Schreiber was chastising Mr. Goldberg while he was actually giving him advise, prejudicial to my cause.

Suddenly Judge Schreiber said that the proceedings were a circus and I replied, that if this were a circus, he would be the ringmaster.

Judge Schreiber then asked me if I wished him to withdraw and to have another magistrate appointed. I replied that I would prefer another magistrate. Judge Schreiber said that another magistrate would be appointed by Judge Knapp but instead of ending this meeting he went on to discuss the libelous statement attached to my complaint, 75 CIV 2362, as Exhibit A[4], made by employees of the defendant, ITT.

Assistant U.S. attorney Gerber stated several times to Judge Schreiber that this libelous statement was not contained in any Civil Service Commission document. I repeatedly asserted that it was. Finally I gave the document containing the statement to Judge Schreiber and he read it for himself. Then I called AUSA Gerber, a liar, whereupon Judge Schreiber responded that AUSA Gerber was not a liar, but that he had not read the document.

From the very beginning of my first action, see Exhibit 1, attached hereto, I have been discussing the issue of libelous statements concerning my relationship to Madeline De Finis.

I have discussed this matter with Mr. Gerber, it was in the complaint, it was in other papers I filed, Judge Knapp had been made aware of it, and now Mr. Gerber actually denied ever seeing it or its being in the papers I filed!

Not only did he know but now it appears that unknown to me on October 8, 1975, one day before this meeting, See Exhibit 2, attached hereto, Assistant U.S. Attorney Gerber filed voluminous affidavits and a brief, going into the libels of ITT, filed with the Civil Service Commission, yet Magistrate Schreiber states that Mr. Gerber did not lie but that he had not read the statement!

I asked Judge Schreiber if we could discuss the FBI matter and Judge Schreiber refused.

I went into the House Committee reports filed against me with the Civil Service Commission, which were outrageous, as I was serving my country overseas at the time and the event contained therein is in no way related to me.

I was prepared to go into other false records of Government agencies, but Judge Schreiber left the bench while my attention was directed elsewhere.

I waited week after week for a new magistrate to be appointed, but no one was.

P25

On December 4, 1975, I was notified that oral argument was refused on my motion for an injunction and other relief, against the FBI. On December 5, 1975, instead of oral argument on my motion, a letter was sent to me telling me to keep away from his, Judge Knapp's chambers, not to make phone calls, etc.

On December 29, 1975, Exhibit 3, was sent by Judge Schreiber to my then attorney, Miss DeFina, in which Judge Schreiber discusses the outcome of an imaginary meeting between himself, myself and Miss DeFina, and implies that I had had a hearing in my four actions and had asked Judge Schreiber to withdraw during the imaginary meeting.

I then sent a letter on January 6, 1976, to both Judge Knapp and Magistrate Schreiber, about what happened on October 9, 1975. I expected and still expect to have a new magistrate appointed.

I tried again to speak to Magistrate Schreiber on January 26, 1976 and his secretary stated that I would be called back.

A short time later, she did call me back and said to send a memo to J[illegible] Schreiber. I said that I had already sent him a letter on January 6, 1976 and got no answer. She said I had to re assert that I wanted my cases to go forward!

I believe that all is being done to deprive me of due process of law and to prevent me from getting equal protection of the law.

WHEREFORE I demand due process and equal protection of the

A26

law and that Rule 53(d)(1) of the FRCP and Rule 6 of the Rules for the Southern District be followed and that an order be issued requiring Magistrate Schreiber to report the events surrounding his withdrawal on October 9, 1975, and that delaying tactics be made to stop, that I have a new magistrate appointed, I get these files enjoined, so that pending my obtaining a trial I will be able to seek employment which I obviously, in light of past experience, cannot do so long as I remain compromised by these records.

I request that my four actions no longer be delayed and that Magistrate Schreiber be required to file a proper report as to the real events surrounding his withdrawal.

Richard J. DeFina
PLAINTIFF, PRO SE

RICHARD J. DE FINA

Sworn to before me this
28 day of January 1976

Madeline M. Defina

MADELINE M. DEFINA
NOTARY PUBLIC, State of New York
No. 41-5959435 - Queens County
Term Expires March 30, 1977

1727

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

x - x

75 CIV. 1526 (LE)
75 CIV. 1564 (LE)
75 CIV. 2119 (LE)
75 CIV. 2362 (LE)

- x

AFFIRMATION

State of New York)
County of Queens) ss.:

MADELINE DE FINA, under penalty of perjury affirms:

That she is admitted to practice in this Court: That she has read the attached affidavit of Richard J. DeFina and the contents of said affidavit are true to her knowledge.

Dated: Flushing, New York, January 28, 1976

Madeline DeFina

MADELINE DE FINA

June 27, 1975

RICHARD JOSEPH DARDA
220-41 Union Turnpike
Flushing, N.Y., 11364

1-21

October 15, 1975

The Honorable William Knapp
United States District Judge
United States Courthouse
Foley Square
New York, New York 10007

Re: 75 Civ. 1843, 1844, 2119 and 2362.

Dear Judge Knapp:

Concerning the "MEMORANDUM OF LAW IN SUPPORT OF THE FEDERAL DEFENDANTS' MOTION TO CONSOLIDATE THE ABOVE-CAPTIONED ACTIONS AND AS CONSOLIDATED FOR AN ORDER DISMISSING THE COMPLAINTS THEREIN." The plaintiff will show, that for all antecedents each investigation and/or record concerning the plaintiff by each defendant contains wrongful, false and malicious libels against the plaintiff and that these libels were wrongfully, falsely and maliciously recorded by these defendants to the detriment of the plaintiff.

A wrongful, false and malicious charge "making threats" was made against plaintiff to the FBI by a member of the USCA. A subsequent FBI investigation established this fact. Yet the FBI wrongfully, falsely and maliciously recorded and asserted this event as an extortion investigation concerning plaintiff.

In a similar manner other defendants wrongfully, falsely and maliciously recorded and stated events to the detriment of plaintiff.

By these means the defendants did deprive the plaintiff of his constitutional rights to a true representation of his reputation and to earn a living in his field of expertise. For the defendants seek to deprive the plaintiff of his constitutional right to redress by due process.

Respectfully yours,

Richard J. Darda (Plaintiff)

UNITED STATES GOVERNMENT

Memorandum

TO : Judge Knapp

DATE: December 29, 1975

FROM : Magistrate Schreiber

SUBJECT:

Madeline DeFina	v. Robert J. Drummond, Jr., etc.	75 Civ. 2681
Richard DeFina	v. Dept. of Trans., etc.	75 Civ. 1525
" "	v. Armstrong	75 Civ. 1564
" "	v. Ritchey Williams, et al.	75 Civ. 2362
" "	v. Clarence M. Kelly, etc.	75 Civ. 2119

This afternoon I received a copy of a proposed motion by Madeline DeFina, attorney pro se, in the above case, 75 Civ. 2681, in which she requested that I file a report concerning the hearing held before me on October 14, 1975. A few days after that hearing, she appeared before me along with one Richard DeFina who is the plaintiff in four other cases pending before Your Honor. At that time both Madeline and Richard DeFina requested that I withdraw from the matters and thereafter, I notified Your Honor of this event. Certain suggestions were made about the possibility that Madeline DeFina may have brought the case in the wrong court, however, I made no ruling on the question nor on any of the other related matters because of the withdrawal request.

Respectfully,

Sol Schreiber

cc: Madeline DeFina, Esq.
220-31 Union Turnpike
Flushing, N.Y. 11364

Joseph F. Onorato, Esq.
1633 Broadway
New York, N.Y.

Nathaniel L. Gerber, Esq.
Assistant U.S. Attorney
U. S. Attorneys Office
One St. Andrew's Plaza
New York, N.Y. 10007

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEWYORK

A33 Filed Mar 1 1976 SDNY

- - - - - - - - - - - - - - - - - - - x
75 Civ 1526
- - - - - - - - - - - - - - - - - - - x
RICHARD J. DE FINA,
Plaintiff,
vs.
FEDERAL AVIATION ADMINISTRATION, et al.,
Defendants
- - - - - - - - - - - - - - - - - - -
75 Civ. 1564
- - - - - - - - - - - - - - - - - - - x
RICHARD J. DE FINA,
Plaintiff,
vs.
VIRGINIA M. ARMSTRONG, et al.,
Defendants.
- - - - - - - - - - - - - - - - - - - x
75 Civ 2119
- - - - - - - - - - - - - - - - - - - x
RICHARD J. DE FINA,
Plaintiff,
vs.
CLARENCE M. KELLEY, et al.,
Defendants.
- - - - - - - - - - - - - - - - - - - x
75 Civ 2362
- - - - - - - - - - - - - - - - - - - x
RICHARD J. DE FINA,
Plaintiff,
vs.
KITTHEY WILLIAMS, et al.,
Defendants.
- - - - - - - - - - - - - - - - - - - x

MOTION INSTANTER, MARCH 1, 1976

To reconsider the undated libelous, biased and prejudicial decision herein dismissing the complaints, except as to DEA report and Certificates of CSC; disregarding the filed complaints, pleadings, affidavits, etc and plaintiff's motion to compel Magistrate Schreiber to file his report herein, motions and more particularly plaintiff's motion argued on Feb. 2, 1976, PRO SE., for filing of Magistrate's report; to appoint a new Magistrate, for discovery and injunctive relief.

COMES NOW, the plaintiff, by his attorney, MADELINE DE FINA, and upon all the pleadings and proceedings had herein, and upon the annexed affidavit of RICHARD J. DE FINA, the plaintiff verified on February 28, 1976 and the affirmation of his attorney, MADELINE DEFINA, affirmed on the 28th day of February 1976, and upon the decision received by plaintiff on February 28th, 1976, which is undated, moves this court for the following:

A 44

1. That the decision received by plaintiff on February 28, 1976, be dated for purposes of appeal:

2. Reconsider the decision in light of all the pleadings, affidavits, etc., as being against the weight of the submitted facts, pleadings, motions, affidavits, etc.

3. For an order compeling the filing of the appearance of plaintiff before Magistrate Sol Schreiber on October 9, 1975 and the minutes of a hearing held before him on January 15, 1976, while pertaining to plaintiff and his four actions he was told not to attend by Magistrate Schreiber, and a decision on a motion argued before Judge Knapp on February 6, 1976 to appoint another magistrate, for injunctive relief, discovery, etc.

4. Reason for disregarding plaintiff's grounds for the Court's Jurisdiction, plaintiff's complaints, etc., and to give a decision on all the motions submitted by plaintiff and which have never been decided, but ignored.

Dated Queens, New York, February 29, 1976

MADELINE DE FINA,
Attorney for Plaintiff,
220-31 Union Turnpike
Flushing, N. Y.

COPY TO:
U.S.Attorney Gerber,
1 St. Andrew Place, N. Y.
Mr. J. Oronrato,
1633 Broadway,
New York, N. Y

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

A50

- x

75 Civ. 1526
75 Civ. 1564
75 Civ. 2119
75 Civ. 2362

ATTORNEY'S AFFIRMATION IN IN SUPPORT OF MOTION

- x

MADELINE DE FINA, an attorney, duly admitted to practice law in the State of New York and before the United States District Court for the Southern District under the penalties of perjury affirms:

Due to the biased, obstinate attitute of Judge Whitman Knapp, in refusing to accept the truth that I did not institute the above actions of my client, Mr. DeFina, that he was acting Pro Se while he attempted to obtain counsel; the attitute of the appointed Magistrate, Sol Schreiber in "joining" me and this plaintiff every time I made a move on my own behalf in my own separate action 2681, I was forced to withdraw.

On December 29, 1975, I made a motion in my own case, the one and only case I ever instituted in this court, to compel Magistrate Schreiber to file his report on a hearing I had in my own case, 2681, on October 8, 1975.

As usual I received a letter from Magistrate Schreiber, dated January 5, 1976, again making my actions in bringing the motion, and my papers, connected with my client's above four actions. See Magistrate Schreiber's letter, dated January 5, 1976. As a result I withdrew to give Mr. DeFina the right to present his cases, without constantly clouding the cases, mixing them up so that neither one of us, Mr. DeFina or myself could act independently as the law gives us the right

to do, I wthdrew as his attorney on January 6 and Mr. DeFina continued Pro Se, from his letter to the Court to February 28,76.

As Mr. DeFina's cases will now be appealed, and no wish to add more "voluminous" affidavits, that by the libelous decision of Judge Knapp that (see footnotes 4/) have completely been ignored, I incorporate by reference, all the letters, pleadings, undecided and ignored motions of the plaintiff, Mr. DeFina, affidavits, complaints, amended complaints, motions by Government and the defendants, ITT and Mr. Minogue, as if fully set forth herein. I have gone back to being Mr. DeFina's attorney.

I want to bring out one glaring injustice and false statement in the undated decision, which I now request be dated, for the reason of appeal, and a copy of which Mr. DeFina received on February 28, 1976.

In the footnote 4/ judge Knapp states:

> "....Disclosure of the identities of these people who volunteered their opinions to the government would clearly constitute an invasion of their privacy under the reasoning of this case and possibly subject them to vexations litigation (as is entirely likely judging from the numerous frivolous and hysterical allegations contained in these actions)....

No more, "vexations" litigation, frivolous and hysterical" could have been committed against anyone like committed against this plaintiff, Mr. DeFina. He is "alleged" and "Extortionist" depending how the court and those enjoying "sovereign immunity" page 8 of undated decision, believe it is to their interest to allege. If "technical" extortionist is best then it is "technical" extortionist". If "alleged" is better, it is "alleged" Very proper for a police state which our constitution and bill of rights, deny this to be.

This Court protected lawbreakers, not the victim. Crimes were committed against this plaintiff, falsifying federal records with non federal defendants, ITT and Minogue, see the "voluminous" pleadings and affidavits, letters, etc.

Magistrate Schreiber, when this plaintiff, Mr. DeFina appeared before him refused to go into the FBI files, the ITT files as to false dates, etc. Why?

Where was discovery, constantly demanded? Why did this Court ignore the minutes dated January 15, 1976, as to the hearing before him. Was it to bring out the latin phrase "sua sponte" page 9 of undated decision, received by plaintiff, Mr. DeFina on February 28, 1976.

Let us go into page 9, it states:

> "...Although the defendant Minogue has answered without raising any jurisdictional question, examination of the complaint discloses no facts to support a claim of diversity. The complaint is accordingly dismissed as to him sua sponte by the court."

No statement could be more false as to the facts motions, pleadings, minutes of the Magistrate, dated 1/15/76 then the above statement.

> "Sua Sponte" translated into English means: according to the Law Dictionary: "of itself or of one's self, i.e. without being prompted, as where the court moves to declare a "mistrial""sua sponte" that is through the court's own volition (on its own motion, without such a motion being made by either of the adverse parties."

Let us go into the real facts as to "Jurisdictional ...claim of diversity...."

A-53

Plaintiff's Mr. DeFina's complaint, 75 Civ 2362, alleges that Mr. Minogue was in New Jersey. This is another state. He received a bill that the Marshal served said Minogue.

Months later the Marshal stated that he made a mistake, he did not serve Minogue and service had to be made again.

A "Notice of Service" was filed by the Marshal in this Court, 75 Civ 2362, stating that Mr. Minogue, a resident of San Diego, California, had been served in San Diego, California on September 17, 1975. The second fee was paid to the Marshal.

Mr. Thomas J. Minogue, the defendant in 2362 lives at 4627 Ocean Boulevard, Apt. 105, San Diego. This information was obtained by me, after refusal by the attorney for Itt and Mr. Minogue to give the information to me, or to Magistrate Schreiber. Marshal's notice of Service is made part of this motion.

Thomas J. Minogue has and is a citizen of the State of California since April 1974. See his affidavit filed in this Court in a motion by him which was returnable on February 27, 1976. About noon, I received the decision preventing the argument of this motion to amend the complaint to plead jurisdiction, which motion was ignored and Judge Knapp stated that he "sua sponte" raised this jurisdictional question and dismissed the complaint against Minogue.

In addition to the above, the ignored minutes of the hearing on part 32, Magistrate Schreiber states:

> "...if you tell me that Mr. Minogue is a citizen of California and he is served properly, then this Court would have Jurisdiction....."

There has been an attempt in the decision to make it appear that plaintiff has problems with credit companies pages 3 and 4. This is absolutely false.

There has been open defiance by the defendants as to the reports of the Drug Enforcement Administration, Veterans Administration and other defendants, and concealment that false dates of employment with ITT were given. This has been gone into in complaints, motions etc., incorporated into this affirmation by reference.

There has been a complete ignoring of the Memo of Law submitted by me on behalf of this plaintiff, Mr. DeFina on September 16, 1975, at which time, Judge Knapp said he would have a Magistrate conduct a hearing on.

September 16, 1975, it appears that a Magistrate was appointed or if not on September 16, then a few days later. Magistrate Schreiber was given a copy of the same brief, law, facts, and he refused to go into anything but what was said by employees of ITT.

Page 12 of the above brief, Memo and Pretrial facts, alleges in paragraph "37" "POINTS OF LAW ON LIABILITY AND JURISDICTION" U.S.C. Title 5 Section 552 and 552a. It alleges, 5th, 14th Amendments to the U.S. Constitution. U.S.C. Title 18 Section 241, DIVERSITY OF CITIZENSHIP, DEFENDANT THOMAS J. MINOGUE IS A CITIZEN OF SAN DIEGO, CALIFORNIA." Need more be said about the libelous decision rendered herein? Also Civil Rights and the Federal question involved were discussed.

On page 25, of the Magistrate hearing held on January 15, 1976, the following is recorded: beginning with line 17:

A55

"THE MAGISTRATE: Madeline DeFina is contending that she has a civil rights action against you and therefore, the case rests on a jurisdictional basis for that reason.

What is your response to that?

MR. GOLDBERG: At this time there is a motion still pending to dismiss the action against ITT for lack of diversity of citizenship.

THE MAGISTRATE: She is saying that diversity is not the jurisdictional basis. She is saying that the jurisdictional basis is the civil rights act."

This point was ignored by Mr. Goldberg, by this Court and on February 6, 1976, knowing that this plaintiff, Mr. DeFina was without counsel, for the first time allowed oral argument. Mr. DeFina not being a lawyer stuck to facts. He wanted discovery, he wanted the Magistrate, Sol Schreiber to file a report, etc. Judge Knapp stated he would take it under "advisement". Instead on February 28, 1976, this undated decision was received by Mr. DeFina.

WHEREFORE, the following is requested:

1. To reconsider and date the decision dismissing plaintiff's actions except as to DEA report and "unexpurgated Certificates of Eligibles to plaintiffs". Why do I need one, I am an attorney, not seeking and never have sought employment with the Civil Service Commission. It was Mr. DeFina. I know the decision implies, licelously that we are, "Mr and Ms" but it does not change a relationship by insulting statements. A need to clarify is in order as to employment and "Mr and Ms".

PSG

2. Reconsider the decision in alight with the submitted papers, pleadings, etc.

3. An order compeling the filing of the Magistrate's report as to plaintiff's appearance before him on October 9, 1975, and the minutes of a hearing held on 1/15/76.

4. Reasons for disregarding plaintiff's grounds for the Court's jurisdiction, and all the motions filed herein and to give decisions on the beforementioned.

Dated: Queens, N. Y. February 28, 1976.

A57

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- x

75 Civ. 1523
75 Civ. 1564
75 Civ. 2119
75 Civ. 2362

AFFIDAVIT

- x

State of New York)
SS
County of Queens)

RICHARD J. DE FINA, being duly sworn, deposes and says that he is the plaintiff, the sole and only plaintiff in the above actions.

That he has read the attached affirmation of his attorney, MARLENE DE FINA, and adopts the same as his. He makes all the papers, proceedings, motions, etc. part of his affidavit by reference.

That plaintiff is and was unable to obtain counsel and on January 6, 1976, due to what was happening and my attorney, informing me of her helplessness to see my files or her own file, held by Judge Knapp in his chambers for months and threatening her with arrest, so she informs me if she goes near his chambers. This threat, she informed me was made about December 23rd, 1975, and on December 5, I received a letter informing me and my attorney not to go near Judge Knapp's chambers or staff. This included phoning.

A-58

On January 5, 1975, Magistrate Schreiber sent to me a letter containing false facts as to me and my attorney on October 14, 1975, and we decided it was best for me to go once again PRO SE. I started these actions PRO SE and my attorney had nothing to do with my actions, they are mine alone.

After what happened in the courtroom on February 6, 1976, when for the first time I was allowed oral argument on a motion, I knew I needed a lawyer. After receiving the decision and making a few more trys to get an attorney, Miss DePina once more became my attorney.

WHEREFORE I join in the relief she is requesting in this motion.

Sworn to before me
this 28th day of February 1976.

MADELINE E. DEFINA
NOTARY PUBLIC, State of New York
No. 41-5[illegible]05 - Queens County
Term Expires March 30, 197[illegible]

A59

BOB Approval No. 50-R102

OPTIONAL FORM 5
REVISED JULY 1961
CIVIL SERVICE COMMISSION
CHAPTER 332, F.P.M.
5005-105

INQUIRY AS TO AVAILABILITY

Return this form to →

AGENCY AND ADDRESS (Street, city, and State)

Herbert K. Wilson, Jr. AEA-14
Federal Aviation Administration
Federal Bldg JFK Int'l Airport
Jamaica, NY 11430

Mr. Richard J. Defina
220 31 Union Tpk.
Flushing, NY 11364

(Please correct address if different from above)

DATE	CERTIFICATE
11/7/74	C-74 4424
POSITION	**SALARY**
Electronic Technician	$7,596 pa.
LOCATION	
Jamaica, NY	

TYPE OF APPOINTMENT:
- [X] CAREER-CONDITIONAL
- [ ] CAREER
- [ ] TEMPORARY FOR _____

This office is considering you among others for the employment described. Please fill out the "Availability Statement" below, indicating whether you would accept this position if offered, and return the entire sheet to this office. Appointment would be subject to the Civil Service requirements described on the back of this letter. Whether you are available or not, your reply to this inquiry must be received by this office not later than 11/15/74. If your reply is not received by this date, you cannot be considered.

A. [ ] The Civil Service Commission has furnished your original application for review.

B. [X] The Civil Service Commission was unable to furnish your original application for review at this time since it is being used elsewhere. You will find an application form attached to this Inquiry. Please complete this application and return it *to this office* promptly along with your reply to this inquiry if you wish to be considered for appointment.

Failure to reply to this inquiry will result in the removal of your name from the list of eligibles.

THIS IS A LETTER OF INQUIRY AND *NOT* AN OFFER OF EMPLOYMENT. If selected, you will be notified and given further instructions.

Other information: Candidate selected will be required to attend six months training course at Okla City. Okla. Retention will depend on successful completion of course after which employee may be assigned to a duty location in the States of NY, NJ, DEL, MD. VA. PA. W.VA and District of Columbia. Position involves rotating shifts on 24hr (DO NOT DETACH) including Sat & Sun.

Sincerely yours,

H.K.WILSON, JR.
Personnel Management Specialist

AVAILABILITY STATEMENT

The information you give below regarding your availability will be furnished to the civil service office which maintains the list of eligibles on which your name appears. It will not, therefore, be necessary for you to furnish this information direct to the civil service office. If you decline this position and do not give the conditions under which you will be available for future appointment, your name will be removed from the list of eligibles until such time as you report the conditions under which you are again available.

(Check one) (Check one)

[X] I am available and wish to be considered for the position described above. I can report for duty within 2 days after notification. I am now employed by unemployed at _____

[ ] I do not wish to be considered for the position described above. *I am giving my reasons on the other side of this form.*

[ ] I request that my name be removed from the active list of eligibles until I report that I am available for appointment.

[ ] Consider me available for other appointments, subject to the following conditions:

The position must pay at least $ _____ per _____ (year, month, day, or hour).

I am willing to work: [ ] In Washington, D.C., [ ] Anywhere in the U.S.; [ ] Outside the U.S.

I will accept appointment in the following locations only: _____

I will accept short-term appointment for: [ ] 1 mo. or less; [ ] 1 to 4 months; [ ] 4 to 12 months.

11/08/74
(Date)

Richard J. DeFina
(Signature)

(SEE OTHER SIDE)

EMPLOYMENT INQUIRY

A60

Form Approved
Bureau of the Budget Bureau No. 04-R162

NAME OF APPLICANT	POSITION APPLIED FOR	SOCIAL SECURITY NO.
Richard J. Defina	Electronic Technician	108-28-5838

1. NATURE OF YOUR ASSOCIATION WITH APPLICANT (Check applicable box)
☐ HIS EMPLOYER ☐ HIS SUBORDINATE ☐ ACQUAINTANCE
☐ HIS SUPERVISOR ☐ FELLOW EMPLOYEE ☐ OTHER (Specify) _____

APPROXIMATE TIME KNOWN

2. COMPLETE ONLY IF YOU WERE APPLICANT'S EMPLOYER/SUPERVISOR

G. IF NO LONGER IN YOUR EMPLOY, SHOW REASON FOR LEAVING

H. WOULD YOU REEMPLOY APPLICANT?
☐ YES ☐ NO (If no, indicate reasons under item 10, "Remarks")

3. EMPLOYMENT EVALUATION Based on your experience with applicant, complete all items below. Where trait has not been observed, check the "Unknown" column. Please add any clarifying information in Section 10. Remarks.)

	OUT-STANDING	BETTER THAN AVERAGE	ADEQUATE	UNSATISFACTORY	UNKNOWN
A. JOB INTEREST – Accepts assigned responsibility and effectively accomplishes duties in an approved manner within time established.					
B. COOPERATION – A team worker, maintains good working relationships.					
C. INITIATIVE AND CREATIVENESS – Ability to think along original lines and to work without detailed instructions or supervision.					
D. EMOTIONAL STABILITY – Poise and judgement in meeting adverse or emergency situations.					
E. ADJUSTABILITY – Ability to adjust to changes in working or living environments					
F. CONSIDERATION FOR OTHERS – Courteous in daily contacts including attitude toward different races, religions, and nationalities.					
G. DECISION MAKING ABILITY – Ability to make sound decisions.					
H. QUALITY OF PERFORMANCE – Accomplishes assignments in a worthwhile manner					
I. LEADERSHIP – Capacity to effectively assign duties and motivate employees.					
J. COMMUNICATION – Ability to express self: Orally					
J. COMMUNICATION – Ability to express self: In writing					
K. COMPREHENSION – Ability to understand and evaluate job problems					
L. DEPENDABILITY – His good attendance pattern, is punctual and diligent.					
M. APPLICATION – Effectively uses knowledge of specialty to perform duties.					
N. JOB KNOWLEDGE – Has knowledge of techniques and procedures applicable to the job for which being considered.					
O GROWTH POTENTIAL – Ability to stay current in specialty and readily adjust to new ideas and techniques.					

PERSONAL APPRAISAL (Check applicable box)

	YES	NO
4. Do you have any reason to question this person's loyalty to the United States?		
5. Do you have any reason to believe this person belongs, or has belonged, to any communist or facist organization, or to any organization which advocates overthrowing or altering our constitutional form of government by force or other illegal means?		
6. To your knowledge does this person associate, or has he associated, with any person whose loyalty to the United States is questionable or who belongs to any of the types of organization described in 5 above?		
7. Do you have any knowledge of any behavior, activities, or associations which tend to show that this person is not reliable, honest, trustworthy, and of good conduct and character?		
8. Would you recommend the applicant for the job for which he has applied?		
9. Do you have knowledge of any physical or mental condition which would adversely affect applicant's work performance?		

NOTE: If your answer to Questions 4,5,6,7, or 9 is yes, please give full details under item 10, "Remarks" on reverse side.

20 REMARKS: (Indicate item numbers to which answers apply. Indicate any additional comments regarding the applicant's suitability for the position for which being considered.)

A61

Item No.	
	Person died in auto crash
	[illegible]
	[illegible]
	[illegible]

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

The person identified on the attached form is an applicant for the position shown. The Federal Aviation Administration is charged with the responsibility of administering certain critical programs, most of which are directly related to the safety of the flying public. Therefore, it is necessary that individuals selected for employment be fully qualified and have personal characteristics and loyalty which are above reproach.

In selecting applicants we must depend in a large measure upon information and advice given us by persons who have been associated with them. Your frank evaluation will be of great assistance to us in determining the applicant's suitability for selection to the position specified. The information you furnish will be held in strict confidence.

Please answer all the questions as fully and specifically as you can and return this form as soon as possible. A self-addressed, postage paid envelope is enclosed for your convenience in replying promptly. Thank you for your cooperation.

A62

EMPLOYMENT INQUIRY

DEC 1 0 19

Form Approved:
Budget Bureau No. 04-R162

NAME OF APPLICANT	POSITION APPLIED FOR	SOCIAL SECURITY NO.
Richard J. Defina	ELECTRONIC TECHNICIAN	108-28-5898

NATURE OF YOUR ASSOCIATION WITH APPLICANT (Check applicable box)
HIS EMPLOYER ☐ HIS SUBORDINATE ☐ ACQUAINTANCE
HIS SUPERVISOR ☐ FELLOW EMPLOYEE ☐ OTHER (Specify) _____

APPROXIMATE TIME KNOWN

IF COMPLETE ONLY IF YOU WERE APPLICANT'S EMPLOYER/SUPERVISOR

A. BEGINNING SALARY	B. POSITION TITLE	C. BEGINNING DATE
D. LAST SALARY	E. POSITION TITLE	F. ENDING DATE

G. IF NO LONGER IN YOUR EMPLOY, SHOW REASON FOR LEAVING

H. WOULD YOU REEMPLOY APPLICANT?
☐ YES ☐ NO (If no, indicate reasons under item 10, "Remarks")

I. EMPLOYMENT EVALUATION Based on your experience with applicant, complete all items below. Where trait has not been observed, check the "Unknown" column. Please add any clarifying information in Section 10. Remarks.)

	OUT-STANDING	BETTER THAN AVERAGE	ADEQUATE	UNSATIS-FACTORY	UNKNOWN
A. JOB INTEREST – Accepts assigned responsibility and effectively accomplishes duties in an approved manner within time established.					
B. COOPERATION – A team worker, maintains good working relationships.					
C. INITIATIVE AND CREATIVENESS – Ability to think along original lines and to work without detailed instructions or supervision.					
D. EMOTIONAL STABILITY – Poise and judgement in meeting adverse or emergency situations.					
E. ADJUSTABILITY – Ability to adjust to changes in working or living environments					
F. CONSIDERATION FOR OTHERS – Courteous in daily contacts including attitude toward different races, religions, and nationalities.					
G. DECISION MAKING ABILITY – Ability to make					
H. QUALITY					
I. LEADERSH					
J. COMMUNIC					
K. COMPREHE					
L. DEPENDABILITY – His good attendance pattern, is punctual and diligent.					
M. APPLICATION – Effectively uses knowledge of specialty to perform duties.					
N. JOB KNOWLEDGE – Has knowledge of techniques and procedures applicable to the job for which being considered.					
O. GROWTH POTENTIAL – Ability to stay current in specialty and readily adjust to new ideas and techniques.					

Unable To Locate This Individual From Information Given

PERSONAL APPRAISAL (Check applicable box)

	YES	NO
4. Do you have any reason to question this person's loyalty to the United States?		
5. Do you have any reason to believe this person belongs, or has belonged, to any communist or facist organizations or to any organization which advocates overthrowing or altering our constitutional form of government by force or other illegal means?		
6. To your knowledge does this person associate, or has he associated, with any person whose loyalty to the United States is questionable or who belongs to any of the types of organization described in 5 above?		
7. Do you have any knowledge of any behavior, activities, or associations which tend to show that this person is not reliable, honest, trustworthy, and of good conduct and character?		
8. Would you recommend the applicant for the job for which he has applied?		
9. Do you have knowledge of any physical or mental condition which would adversely affect applicant's work performance?		

NOTE: If your answer to Questions 4,5,6,7, or 9 is yes, please give full details under Item 10, "Remarks"

A21

RICHARD JOSEPH DeFINA
220-31 Union Turnpike
Flushing, N.Y., 11364

(212)479-1555

1163

February 15, 1973

Hon. Benjamin S. Rosenthal
Congress of the United States
House of Representatives
Washington, D.C. 20515

Sir:

I am writing to you in regard to the invidious remark made to me, today, by a member of your New York office that I said, "Congressman Rosenthal promised to get me a job".

Since my request that you investigate my experience with Civil Service is causing such an insidious response, I now retract my request that you investigate and ask that you return to me the documents left in your New York office by my attorney.

Sincerely,

Richard J. DeFina

RJD:rjd

AC4

555 West 57 Street
New York, New York 10019

April 23, 1973

Honorable Benjamin S. Rosenthal
U. S. House of Representatives
Washington, D. C. 20515

Dear Mr. Rosenthal:

Reference is made to your letter of April 16, 1973 concerning the possible employment of Mr. Richard DeFina as a Radio Operator.

In my reply of March 2, 1973 to your previous inquiry, I advised that Mr. DeFina was one of a number of applicants under consideration for a tentative vacancy and that preliminary investigations were necessary.

The preliminary investigations on all applicants are not yet completed, however, I expect that a decision concerning employment of Radio Operators will be made within two weeks.

Your continued interest in this matter is appreciated.

Sincerely,

[redacted]

A65

MADELINE E. DEFINA
ATTORNEY AT LAW
220-31 UNION TURNPIKE
FLUSHING, NEW YORK 11364

GR 9-1555

May 15, 1973

Congressman Benjamin S. Rosenthal,
41-65 Main Street,
Flushing, New York.

Re: Richard J. De Fina

Dear Congressman Rosenthal:

Your office requested that I put in writing what was told to me by Mr. Frank V. Monastero, Associate Regional Director of the Bureau of Narcotics and Dangerous Drugs, 555 West 57 Street, New York. When I came to your office on January 19, 1973, I informed you that as the Congressman of Mr. DeFina I would like you to look into the matter of Mr. De Fina being unable to obtain a Civil Service appointment due to the fact that persons or person unknown were making "derogation statements".

I will not go into the communications between you and others on Mr. DeFina's behalf except that on May 7, 1973, Mr. DeFina phoned Mr. La Rocco of the Bureau of Narcotics and Dangerous Drugs and was told that he was not accepted and refused to give any reason. I then, as Mr. DeFina's attorney, contacted Mr. Monastero and he confirmed what I knew. Derogatory statements had been made and based on these statements, Mr. DeFina was rejected. He refused to further discuss the matter stating it was personal to Mr. De Fina.

Mr. De Fina called back and the Secretary of Mr. Monastero confirmed about the "derogatory" statements and informed Mr. DeFina nobody (meaning me his attorney) could be present when this was discussed with him. This is Mr. DeFina's reasons in his own words for not going to see Mr. Monastero. "I do not wish to go to the office of Narcotics and Dangerous Drugs because I believe (upon reflecting on my past experiences) that the most innocent

D 66

normal remarks I make can be taken as offensive, hostile and arrogent by anyone who elects to do so, and until the matter is resolved I do not wish to become an actor in an unconscionable scenario being written by a person or persons unknown which is designed to ruin my reputation, my future and my career as these statements made to me alone could easily be denied".

Mr. De Fina wants these derogatory statements traced and stopped so that he can get the same rights of employment as any other decent, law abiding citizen. I request that you as Mr. De Fina's Congressman find out what these "derogatory statements" are and who is communicating them to potential employers. It cannot now be denied, Mr. Monastero repeated it a number of times, there are "derogatory" statements in Mr. DeFina's file.

I would sincerely appreciate a reply as soon as possible as the matter is a very serious one. Thank you.

Very truly yours,

BENJAMIN S. ROSENTHAL
8TH DISTRICT, NEW YORK
WASHINGTON OFFICE:
ROOM 2453, RAYBURN BUILDING
WASHINGTON, D.C. 20515
TELEPHONE: (202) 225-2601

Congress of the United States
House of Representatives
Washington, D.C. 20515

COMMITTEES:
FOREIGN AFFAIRS
CHAIRMAN, SUBCOMMITTEE ON EUROPE
GOVERNMENT OPERATIONS
DISTRICT OFFICE:
U.S. POST OFFICE
41-65 MAIN STREET
FLUSHING, NEW YORK 11351
TELEPHONE: (212) 939-8200

May 25, 1973

A67

[redacted]
Bureau of Narcotics and Dangerous Drugs
Department of Justice
555 West 57th Street
New York, New York 10019

Dear Mr. [redacted]

I am once again writing to you in behalf of Mr. Richard J. DeFina of 220-31 Union Turnpike, Flushing, Long Island, New York, a resident of my congressional district, who has been anxious to secure employment with the Bureau as a Radio Operator.

Your letter to me of April 23rd indicated that he was one of a number of applicants under consideration.

In the meantime, his mother, Madeline E. DeFina, Esq., has been in contact with me and has informed me that she has learned that there have been derogatory statements made about her son, and that such statements have been incorporated in his file. Consequently, I understand, he was turned down as a prospective employee.

Mr. DeFina would like to determine what these statements are, and who has made them, and I wonder if you can be helpful to him in this respect.

Thank you in advance for your kindness, and my best wishes.

Sincerely yours,

Ben Rosenthal

BENJAMIN S. ROSENTHAL
8TH DISTRICT, NEW YORK

WASHINGTON OFFICE:
ROOM 2453, RAYBURN BUILDING
WASHINGTON, D.C. 20515
TELEPHONE: (202) 225-2601

Congress of the United States
House of Representatives
Washington, D.C. 20515

COMMITTEES:
FOREIGN AFFAIRS
CHAIRMAN, SUBCOMMITTEE
ON EUROPE
GOVERNMENT OPERATIONS

DISTRICT OFFICE:
U.S. POST OFFICE
41-65 MAIN STREET
FLUSHING, NEW YORK 11351
TELEPHONE: (212) 939-8200

May 25, 1973

A68

Madeline E. DeFina, Esq.
220-31 Union Turnpike
Flushing, Long Island
New York 11364

Dear Mrs. DeFina:

This will acknowledge receipt of your letter of May 15th, relative to your concern over the case of Richard J. DeFina, and his application for appointment with the Bureau of Narcotics and Dangerous Drugs, of the Department of Justice, in New York City.

I shall be happy to get in touch with that office about the alleged derogatory statements in Mr. DeFina's file, and I shall let you know when I have anything to report from the Bureau.

My kind regards.

Sincerely yours,

BENJAMIN S. ROSENTHAL
8TH DISTRICT, NEW YORK

WASHINGTON OFFICE:
ROOM 2453, RAYBURN BUILDING
WASHINGTON, D.C. 20515
TELEPHONE: (202) 225-2601

Congress of the United States
House of Representatives
Washington, D.C. 20515

COMMITTEES:
FOREIGN AFFAIRS
CHAIRMAN, SUBCOMMITTEE
ON EUROPE
GOVERNMENT OPERATIONS
DISTRICT OFFICE:
U.S. POST OFFICE
41-65 MAIN STREET
FLUSHING, NEW YORK 11351
TELEPHONE: (212) 939-8200

June 6, 1973

AG 9

Madeline E. DeFina, Esq.
220-31 Union Turnpike
Flushing, Long Island
New York 11364

Dear Mrs. DeFina:

Reference is made to your concern over your son, Richard J. DeFina, who had applied for appointment with the Bureau of Narcotics and Dangerous Drugs of the Department of Justice.

I am enclosing, herewith, a copy of the letter I have just received from Mr. Frank V. Monastero, Associate Regional Director of that office in New York City, which speaks for itself.

Mr. Monastero indicates that there is no derogatory information in Mr. DeFina's file; and that he would be happy to discuss the situation personally with your son at a mutually convenient time. That offer still stands, and it might be well to so meet.

My kind regards.

Sincerely yours,

Received 6/7/73

U. S. DEPARTMENT OF JUSTICE
BUREAU OF NARCOTICS & DANGEROUS DRUGS
555 WEST 57TH STREET
NEW YORK, NEW YORK 10019

A70

June 4, 1973

RECEIVED

JUN 6 1973

Benjamin S. Rosenthal, M.C.

The Honorable Benjamin S. Rosenthal
House of Representatives
Washington, D.C. 20515

Sir:

This is in response to your letter of May 25, 1973, concerning Mr. Richard J. DeFina who has been an applicant for employment with the Bureau of Narcotics and Dangerous Drugs.

On May 7, 1973, Mrs. Madeline DeFina, the applicant's mother, was in contact with me by telephone to discuss the prospects of her son's employment with the Bureau. At that time, I advised Mrs. DeFina that although her son was not the best qualified applicant for the position, I would be happy to personally discuss with him his prospects for employment.

At that time, Mrs. DeFina indicated that she would come to the office to see me for that purpose. I insisted that the applicant be present during the meeting and assured her that in that way I could discuss the matter in detail. She agreed at that time to arrange for an appointment when it was convenient for her. However, the following day, Mr. DeFina telephoned the office and stated that he was not interested in employment with the Department of Justice, but that he was interested in determining what derrogatory information was in his file.

I had explained to Mrs. DeFina that during a personal interview we could clarify certain facts which were disclosed during the applicant's background investigation and which appeared to be in conflict with the information her son had given on a Personal History Statement. These included such things as the applicant's relationship to Madeline DeFina, whom the applicant shows as his sister and who has advised me that she is the applicant's mother. Also, Mr. DeFina's reason for leaving certain employments. At no time was it indicated that the file contained derogatory information.

A71

My offer made on May 7, 1973, to meet with the applicant was for the purpose of resolving those discrepencies. I will be happy to meet with the applicant any time at his convenience and hopefully the matter can be resolved satisfactorily.

Please be assured that we will extend our full cooperation to the applicant and Mrs. DeFina.

Sincerely,

Frank V. Monastero
Associate Regional Director

Dec 10, 1973
EXC - Attached
Lo Complaint
75 Civ 2362

A 7140

TO:

APPEALS,
New York Region,
26 Federal Plaza,
New York, N. Y. 10007

RICHARD J. DE FINA, APPELLANT

COMPLAINT AND DEMAND FOR HEARING AND REINSTATEMENT AS CUSTOMS SECURITY OFFICER; 2-RIGHT TO KNOW WHAT IS IN SECRET FILE COMPILED BY THE UNITED STATES CIVIL SERVICE COMMISSION, DEPARTMENT OF JUSTICE, BUREAU OF NARCOTICS AND DANGEROUS DRUGS AFTER 8½ MONTHS OF EXTENSIVE INVESTIGATION AND REJECTION FOR APPOINTMENT AS RADIO OPERATOR G-252-4; 2- [illegible] AND TO KNOW REASON FOR DOWNGRADING OF NOVEMBER 3, 1972 RATING of 02-4-94,002 ON NOVEMBER 29, 1973,(AFTER EXPIRATION DATE AND FILING OF COMPLAINT AND DEMAND FOR A HEARING ON NOVEMBER 8, 1973) TO GS 4 88.3 02; 4.INVESTIGATION AS TO CAUSE OF PATTERN OF DISCRIMINATION BY BOTH WASHINGTON AS TO A GS7 RATING AND NEW YORK AS TO GS 4 RATING, SINCE 1962.

1. Appellant incorporates, by reference, the attached complaint, sent registered mail to the Office of Complaints, Washington, D.C. dated November 8, 1973 and mailed November 9, 1973, showing a pattern of discrimination, fraustration, deceit, misrepresentation and forcing of a resignation by intimidation on February 9, 1971; illegally; while investigation was being demanded by appellant and his attorney another fraud was perpetrated by misrepresenting duties, misleading into believing appellant would utilize his career field; causing him to resign to apply for the career field opening to no avail; holding out an appointment with the departmentof justice, bureau of Narcotics and Dangerous drugs for 8½ months while, friends, etc., were interviewed, and an exhaustive investigation conducted and on October 31, 1973, Halloween phone to reject him and refuse to state why.

2. The facts are these: Upon being honorably discharged from the U.S. Air Force, appellant went to college, during his enlistment appellant worked in electronics, and made electronics his career field, after his discharge.

3. In 1963 appellant applied and received a GS7 rating with the U.S. Civil Service. While waiting he obtained work, always believing that eventually he would be permanently employed in a career field with the U.S. Civil Service.

4. After years of fraustration in trying to get the Appellant civil service appointment he read of the competitive written examination to be given for Skymarshals(Customs Security Officer) and walked into the Examination room took the test, passed it and was sworn in as U.S. Marshal on January 22, 1971. Appellant had submitted doctor's statement as to his health and vision. Since childhood appellant has worn glasses. The form given to the doctor to fill out, as to vision, appeared to be complicated, causing the doctor to call in the technician to conduct the eye test and fill out the form. The doctor is located in a Medical Center. Appellant took the form and gave it in at the time he appeared at the Customs Office. A71(2)

5. January 25, 1973, class began for training at Ft. Belviwar, Virgina. Appellant was elected class leader, was doing very well when on January 28, 1973, Pat O'Brien, the administrator called appellant into his office and stated, someone in New York had noticed his lens and would appellant consent to go to the Army doctor and have his eyes examined again. Appellant insisted that he had the eye examination but had no objection, if he had to go, he would. After the examination nothing more was said or done about appellant's vision. The class was delighted they still had their leader.

6. February 9, 1973, a few days before graduation Pat O'Brien once more called Mr. DeFina into his office. He no longer was the "good neighbor" appellant had known and had driven to work when both worked for Con Ed. Appellant had gone out of his way to take Mr. O'Brien home in appellant's car. O'Brien handed appellant a slip of paper, written on both sides, See Ex 2, and stated appellant had to resign or be criminally prosecuted, it was about 8:30 or 9:30 p.m. O'Brien said the doctor's vision statement was not correct, according to the Army doctor who had examined appellant's eyes on January 28 and appellant if he refused to resign had to be at the lawyer's office at 10a.m. the next day and be prosecuted.

7. Appellant phoned counsel, Madeline DeFina, and asked her advice, he was going to refuse to resign as he was innocent of all wrongs and had appeared to meet all the standards and qualifications to graddate when this threat was made. Counsel said she would phone Mr. O'Brien. He was out but called back collect a few minutes later, see Ex 3.

8. Mr. O'Brien told counsel even if appellant was innocent it meant nothing, "New York" was determined to arrest if appellant did not resign. After a short conversation, it was mutually agreed appellant was innocent, "New York" was the one giving orders and according to the "rules" appellant did not have to have any notice. so insisted Mr. O'Brien. Counsel was insisting it was cruel injustice if they knew all the while he was not going to graduate to let him go ahead and go through all the tests, etc then made this inhuman demand without notice, believing the untruths of Mr. O'Brien, a former "nice neighbor", Counsel agreed to the resignation, reserving the right to argue it out with "New York".

9. Appellant returned to O'Brien's office and was told that Appellant's counsel had just agreed that appellant should resign, and O'Brien put a form into the machine stating, "You have to resign." O'Brien took out the paper and appellant signed, see Ex 4.

10. Immediately following the resignation it was taken up with New York Civil Service and as a result, appellant was sent to U.S. Merchant Marine Acad at Kings Point for an interview. His duties as told to appellant are listed in Ex 5. Note 4. on Ex "Repair and maintenance of electronic audio equipment" It was false the only way he could work on electronic equipment was to resign and apply as radio operator, which he did and found it was untrue. During his short stay he received praise for his suggestion from the very one who mislead him into taking the appointment Commander Northrop. See Ex6, Resignation Ex 7.

11. Discrimination and the pattern of injustice caused Counsel to go to Congressman Rosenthal, see Ex 1, on January 15, 1973. A few weeks later an offer came from the Justice Department. See Ex 1 for details.

Demands for information, rights given by law, all up to the present have been to no avail. The only result was to downgrade the rating of Appellant on November 29, 1973. See Ex 8.

LAW CODE OF FEDERAL REGULATIONS

Probation-Section 315.804 requires to put in writing reason for terminating probation and position-violation by Mr. O'Brien.

315.805 Termination O'Brien had to give "written notice stating the reasons, specifically and in detail"....violated.

b-."entitled to a reasonable time for filing a written answer " violated by Mr. O'Brien.

Under c- appellant was entitled to know as soon as O'Brien knew that they entertained ideas of threatening arrest or resignation

Section 315.806...A probationer whose termination is subject to Sec. 315.805 may appeal on the ground that his termination was not effected in accordance with the procedural requirements of that section. A71

According to the law and Rules of Civil Service appellant was illegally forced to resign and should be reinstated.

According to the law of Equal employment opportunities appellant was illegally deprived of his right to work for the very Government that he gave four years of honorable service to.

According to the law, a person has the right to know what secret information has been put in his file to keep him unemployed this right has been denied him by the very ones who should uphold the law, the Deparment of Justice. Appellant does not know and has never received anything in writing that he was rejected, merely a phone call by Mr. Monastero on Halloween, October 31, 1973 that the "New York Personnel Office did not recommend him for employment" No further information given.

I submit that the pattern of discrimination against appellant through the years has violated everycivil and human right that he is entitled to and a hearing under the law is mandatory as is reinstatement as a Custom Security Officer.

I submit that nothing in writing to establish all the rejections by the Civil Service Board is illegal. The file of appellant must and should be made available to the appellant to answer whatever is in the file to keep him off the civil service employed list.

The downgrading after a complaint is filed and when the application has expired is illegal, wrongful and discriminatory and should be corrected and remedied.

WHEREFORE appellant requests reinstatement, the secret file revealed to him and the downgrading corrected in light of appellant having a GS 7 in the same career field with the same Government since 1963, and the downgrading was in GS4!

DATED:
December 10, 1973

MADELINE DE FINA
Attorney for Appellant,
Office and Post Address,
220-31 Union Turnpike,
Flushing, N. Y. 11364

A 72

United States Department of Justice

ADDRESS REPLY TO
"UNITED STATES ATTORNEY"
AND REFER TO
INITIALS AND NUMBER

NLG:emw

75-1170

UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES COURTHOUSE
FOLEY SQUARE
NEW YORK, N. Y. 10007

U. S. ATTORNEY'S OFFICE
SOUTHERN DISTRICT OF NEW YORK
ONE ST. ANDREW'S PLAZA
NEW YORK, NEW YORK 10007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

July 23, 1975

Richard J. DeFina
220-31 Union Turnpike
Flushing, New York 11364

Re: Richard J. DeFina v. Virginia M. Armstrong, et al., 75 Civ. 1564

Dear Mr. DeFina:

I have been advised by the Veterans Administration and the Drug Enforcement Administration of the Department of Justice that the material enclosed herein may be released to you pursuant to the Freedom of Information Act. This material includes the following documents:

1. Your military medical records maintained by the Veterans Administration; and

2. A memorandum request by the Drug Enforcement Administration for a full-field investigation of job applicants to be conducted by the United States Civil Service Commission.

The medical records are those which were sent to the Federal Aviation Administration at its request and for its intended use in consideration of your application for employment with that agency in June, 1974.

The request by the Drug Enforcement Administration for a full-field investigation, dated July 19, 1973, was in conjunction with your application for the position of Radio Operator with its predecessor agency, the Bureau of Narcotics and Dangerous Drugs. The names of other persons included in the memorandum request as well as the names of the agency personnel who made the request have been deleted. Such

A73

information is protected from disclosure pursuant to the statutory exemptions set forth in the Freedom of Information Act, 5 U.S.C. §552(b).

Very truly yours,

PAUL J. CURRAN
United States Attorney

By: _____
NATHANIEL L. GERBER
Assistant United States Attorney
Telephone: (212) 791-1946

Enclosures

Please initiate the Full Field Investigation (initiate the National Agency Check prior to completion of Full Field Investigation on the following people):

DEFINA, Richard J.	01-12-36	Radio Operator	NY
[redacted]	[redacted]	[redacted]	[redacted]

[redacted]

July 19, 1973

[redacted]

A 75

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

AUTHORIZATION FOR THE RELEASE OF MEDICAL INFORMATION
TO THE FEDERAL AVIATION ADMINISTRATION

TO WHOM IT MAY CONCERN:

I, Richard Joseph DeFina
(First) (Middle) (Last)

born on January 12, 1936 at Brooklyn, New York
(Month) (Day) (City)

Kings, presently residing at 22-31 Union Turnpike,
(State or Country) (Current residence address)

Flushing, New York,
(City) (State)

hereby authorize any physician or other person who has attended, examined or treated me, or any clinic, hospital, institution, company, or Federal, State or municipal agency, office or bureau which may have information concerning my medical history, to release to the Administrator of the Federal Aviation Administration, or his medical representative, any available information or records concerning my medical history in their knowledge or posession.

This authorization is given pursuant to Section 67.31 of Part 67 of the Federal Aviation Regulations to provide additional information necessary to determine whether I meet the applicable medical standards for an airman medical certificate I hold or for which I have made application.

I have also been known by the following name(s): None
(If none, state "None")

A reproduction of this authorization shall be deemed as effective and valid as the original.

(Signature) Richard J. DeFina

(Date) November 14, 1974

FORM 2759

A76

7: flow

[5745 EVDIT

CACA 87

182632 R 0-13-01-020861
RTTUZYUW RUEDAFA0475 0131817-UUUU--RUEVDIT. JAN 13 12 11'75
ZNR UUUUU
R 131815Z JAN 75
FM FAA NYK
TO VA REGIONAL OFFICE ATTN MR. PEPE
FA
BT
UNCLAS. REQUEST MILITARY MEDICAL RECORDS FOR RICHARD J. DE FINA, C 21-112-651. URGENTLY REQUIRED TO DETERMINE APPLICANT'S PHYSICAL FITNESS FOR A POSITION WITH THIS AGENCY. MR. DE FINA FORWARDED LETTER AND AUTHORIZATION TO YOUR OFFICE IN NOVEMBER 14, 1974. AS OF THIS DATE WE HAVE NOT RECEIVED MEDICAL DATA AT THIS ADDRESS NOTED BELOW.
JOHN P. SKELLY, M.D. FAA KENNEDY AIRPORT JAMAICA NY 11430.
BT
#0475

OPC 3230 1-24-75 J.B.

RECEIVED JAN 1

VETERANS ADMINISTRATION
OUTPATIENT CLINIC
252 SEVENTH AVENUE
NEW YORK, NEW YORK 10001

A-77

March 10, 1975

IN REPLY
REFER TO: 630/136A4-OP

Federal Aviation Administration
John F. Kennedy International Airport
Eastern Region Federal Building
Jamaica, New York 11430

C# 21 112 651
DE FINA, Richard J.
220-31 Union Turnpike
Flushing, N.Y. 11364

Attn: Herbert K. Wilson, Jr.
Personnel Management Specialist

Gentlemen:

Please be advised that Mr. De Fina in his letter to this Outpatient Clinic of December 12, 1974, has advised us to cancel and void authorization to furnish your office with medical records pertaining to him.

Very truly yours,

Felice Pepe

FELICE PEPE
Chief, Medical Administration Service